

LICENSING AND APPEALS COMMITTEE

HELD:2 DECEMBER 2014

Start: 7.30pm

Finish: 8.30pm

PRESENT: Councillor Griffiths (Chairman)

Councillors: Devine Ms Melling
Dowling Oliver
Mrs C Evans Owen
Kay Wright
Mee

Officers: Commercial, Safety and Licensing Manager (Mr P Charlson)
Assistant Solicitor (Ms T Sparrow)
Senior Licensing Officer (Mrs S Jordan)
Member Services/Civic Support Officer (Mrs J Brown)

40. APOLOGIES

There were no apologies for absence received.

41. MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of membership of Councillor Delaney and the appointment of Councillor Dowling for this meeting only, thereby giving effect to the wishes of the political groups.

42. URGENT BUSINESS

There were no items of urgent business.

43. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

44. DECLARATIONS OF INTEREST

Councillor Griffiths declared a non - pecuniary interest in respect of agenda item 11 relating to an Application for Private Hire Driver Licence – WK000196958 as the Applicant was known to him and therefore left the Chamber during consideration of this item.

45. MINUTES OF SUB-COMMITTEES OR WORKING GROUPS

There were no Minutes to receive.

46. MINUTES

RESOLVED: That the Minutes of the meeting held on 21 October 2014 be received as a correct record and signed by the Chairman.

47. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That under Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 2 (Identity of an Individual) and Paragraph 7 (Criminal Matters) Part 1 of Schedule 12A outweighs the public interest in disclosing the information.

**48. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000196105
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000196105 having regard to the offences declared on the Statutory Declaration which accompanied the Application Form.

The Applicant attended the meeting with his representative and was interviewed by the Committee during which the Applicant was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

RESOLVED: That Application Number WK/000196105 be GRANTED.

(Note: The Officers from the Community Services left the meeting as Members considered their decision in this case).

**49. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000190296
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000190296 having regard to the offences declared on the Statutory Declaration which accompanied the Application Form.

RESOLVED: That Application Number WK/000190296 be deferred one cycle to allow the Applicant a further opportunity to attend.

**50. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000196958
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000196958 having regard to the offence declared on the Statutory Declaration which accompanied the Application Form.

The Applicant attended the meeting and was interviewed by the Committee during which the Applicant was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

RESOLVED: That Application Number WK/000196958 be GRANTED.

(Note1: Councillor Griffiths declared a non – pecuniary interest in respect of this item and therefore left the Chamber for this item and Councillor Kay took the Chair).

(Note 2: The Officers from the Community Services left the meeting as Members considered their decision in this case).

**51. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000191416
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000191416 having regard to the offences declared on the Statutory Declaration which accompanied the Application Form.

RESOLVED: That Application Number WK/000191416 be endorsed 'Not Proceeded With'.

**52. PRIVATE HIRE DRIVER LICENCE - WK/000197727
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider a Private Hire Driver Licence Number WK/000197727 having regard to the charge disclosed on the driver's Disclosure and Barring Certificate.

The Applicant attended the meeting and was interviewed by the Committee during which the Applicant was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

The Assistant Solicitor advised the Committee that the legislation only allows them to suspend or revoke the licences and that they cannot do both for the same offence. If they were mindful of suspending the Licences that they would be unable to revoke the Licences further upon the outcome of the Private Hire Drivers Court Hearing that he would be attending at a date to be set in the future.

RESOLVED: A. That, under the provision of Section 61(1)c of the Local Government Act 1975, the Private Hire Vehicle Licence Number LN/000004168 be suspended pending the Court's decision regarding the Private Hire Driver's charge on the grounds of reasonable cause in that the driver is not a fit and proper person to hold such a licence having regard to the nature of the charge on the Disclosure and Barring Service certificate.

B. That, under the Provisions of Section 61(1)b of the Local Government (Miscellaneous Provisions) Act 1976, the Private Hire Driver Licence Number LN/000004295 be suspended pending the Court's decision regarding the Private Hire Driver's charge on the grounds of reasonable cause in that the driver is not a fit and proper person to hold such a licence having regard to the nature of the charge on the Disclosure and Barring Service Certificate.

C. That, under the provision of Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976 that in the interests of public safety the suspension of Private Hire Driver Licence Number LN/000004295 and Private Hire Vehicle Licence Number LN/000004168 shall have immediate effect.

(Note: The Officers from the Community Services left the meeting as Members considered their decision in this case).

- CHAIRMAN -