

## LICENSING AND APPEALS COMMITTEE

**HELD: 2 JUNE 2015**

Start: 7.30pm

Finish: 8.30pm

**PRESENT:** Councillor Devine (Chairman)

Councillors: Barron Nixon  
Delaney Mrs Stephenson  
McKay Wilkie  
C Marshall Wright  
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Officers: Commercial, Safety and Licensing Manager (Mr P Charlson)  
Principal Solicitor (Mrs K Lovelady)  
Senior Licensing Officer (Mrs M Murray)  
Member Services Officer (Mrs J Brown)

### 1. APOLOGIES

There were no apologies for absence received.

### 2. MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of membership of Councillors Kay and Patterson and the appointment of Councillors Barron and Wilkie for this meeting only, thereby giving effect to the wishes of the political groups.

### 3. URGENT BUSINESS

There were no items of urgent business.

### 4. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

### 5. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 6. MINUTES OF SUB - COMMITTEES OR WORKING GROUPS

The Minutes of the Employment Appeals Sub – Committee held on 16 March 2015 were submitted.

RESOLVED: That the above Minutes be noted.

### 7. MINUTES

RESOLVED: That the Minutes of the meeting held on 31 March 2015 be received as a correct record and signed by the Chairman.

**8. THE DEREGULATION ACT 2015**

Consideration was given to the report of the Assistant Director Community Services as contained on pages 11 to 18 of the Book of reports, the purpose of which was to take the necessary action in response to the Deregulation Act 2015.

The Commercial, Safety and Licensing Manager outlined the report and responded to questions from the Committee.

- RESOLVED:
- A. That with effect from 1 October 2015, the Licence duration for Hackney Carriage and Private Hire Driver Licences be increased from 12 months to 3 years.
  - B. That with effect from 1 October 2015, the Licence duration for a Private Hire Operator Licence be increased from 12 months to 5 years.
  - C. That the proposed changes in Hackney Carriage and Private Hire Driver and Private Hire Operator licensing fees contained in Table 1 to the report be approved.
  - D. That delegated authority be granted to the Assistant Director Community Services to give notice under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 of the Council's intention to vary the fees for Hackney Carriage and Private Hire Driver and Private Hire Operator Licences.
  - E. That all relevant sections of the Hackney Carriage and Private Hire Licensing Policy 2013 be amended to take account of the matters contained in the report.

**9. PUBLIC REQUEST FOR AMENDMENT TO HACKNEY CARRIAGE AND PRIVATE HIRE STATEMENT OF LICENSING POLICY 2013**

Consideration was given to the report of the Assistant Director Community Services as contained on pages 19 to 33 of the Book of Reports, the purpose of which was to approve an amendment to Appendix B of the Hackney Carriage and Private Hire Statement of Licensing Policy 2013, relating to the seating configuration for vehicles licensed for 5 or more passengers.

The Commercial, Safety and Licensing Manager outlined the report and responded to questions from Members of the Committee.

- RESOLVED: That Appendix B: Private Hire Vehicle Specification and Conditions of the Hackney Carriage and Private Hire Statement of Licensing Policy 2013 be amended to read as follows:

- 8.5 The Seating configuration of the vehicle shall be as its factory manufactured state. Should any amendments to seating configuration be made, these should be done only with the permission of this Authority and in line with this Policy.
- 8.6 Each row of seats shall have door access immediately adjacent to it, unless in the case of multi passenger vehicles (i.e vehicles designed to carry 5 or more passengers) where the following shall apply:
- All seats shall be fixed and permanent (i.e. not flexible configuration seating designed for family use);
  - At least one principle means of access/egress must be provided from the main passenger compartment which is immediately adjacent to a door;
  - Where additional secondary means of access/egress are fitted from the main passenger compartment, these should be clearly identified as such for use in cases of emergency;
  - A break glass hammer should be fitted to the rear windows (i.e. those furthest away from the principle means of access/egress) and be clearly labelled "EMERGENCY EXIT – break glass with hammer".

(Note: Mr Braeger was in attendance for this item).

## **10. 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.

## **11. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000202738 (IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000202738 having regard to the offences declared on the Statutory Declaration Form which accompanied the Application Form.

RESOLVED: That Application Number WK/000202738 be deferred for one cycle to allow receipt of the Disclosure Barring Service (DBS) report.

**12. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000203287  
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000203287 having regard to the information provided on 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/000203287 be GRANTED.

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

**13. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000201773  
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000201773 having regard to the offences declared on the Statutory Declaration which accompanied the Application Form.

RESOLVED: That Application Number WK/000201773 be deferred once cycle at the request of the Applicant.

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- CHAIRMAN -