

LICENSING AND APPEALS COMMITTEE

HELD:13 OCTOBER 2015

Start: 7.30pm

Finish: 10.15pm

PRESENT: Councillor Devine (Chairman)

Councillors: Delaney Nixon
McKay Patterson
Ms Melling Mrs Stephenson
C Marshall Wright
Mee

Officers: Commercial, Safety and Licensing Manager (Mr P Charlson)
Principal Solicitor (Mrs K Lovelady)
Senior Licensing Officer (Miss M Murray)
Member Services/Civic Support Officer (Mrs J Brown)

In attendance: Councillor Moran (Leader)

26. APOLOGIES

There were no apologies for absence received.

27. MEMBERSHIP OF THE COMMITTEE

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

28. URGENT BUSINESS

There were no items of urgent business.

29. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

30. DECLARATIONS OF INTEREST

Councillor Mee declared a pecuniary interest in relation to Agenda Item 16 - Application for Private Hire Driver Licence – WK/000208440 as the Applicant's partner is a neighbour of his.

31. MINUTES OF SUB-COMMITTEES OR WORKING GROUPS

There were no Minutes to receive.

32. MINUTES

RESOLVED: That the Minutes of the meeting held on 21 July 2015 be received as a correct record and signed by the Chairman.

33. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

Consideration was given to the report of the Assistant Director Community Services as contained on pages 81 to 220 of the Book of Reports, the purpose of which was to approve amendments to the draft Hackney Carriage and Private Hire Licensing Policy Statement prior to public consultation.

The Commercial, Safety and Licensing Manager outlined the report and responded to questions and comments raised by Members. Reference was made to the following:-

- New Convictions Policy
- Banning of the use of e-cigarettes from Licenced Vehicles
- New Urgent Action Procedure
- Revised knowledge test including increased emphasis on licence conditions and controls to safeguard children and vulnerable adults
- Revised Hearing Procedure for new and existing Licence holders
- Clearer requirements for executive vehicles
- Private Hire Operator Conditions
- Implement the requirements of the Deregulation Act 2015
- Extend the Policy review period from three to five years

RESOLVED: A. That the amended draft Hackney Carriage and Private Hire Licensing Policy Statement as attached at Appendix 2 to the report be approved.

- B. That the Assistant Director Community Services be given delegated authority to subject the amended draft Hackney Carriage and Private Hire Licensing Policy Statement to a period of public consultation before returning the document to the Licensing and Appeals Committee for final approval.

34. 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.

**35. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000208060
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000208060 having regard to the submission of a false 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/000208060 be GRANTED and that a warning letter be sent with regard to the false Statutory Declaration.

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

**36. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000206421
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000206421 having regard to the offences 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/000206421 be GRANTED with a letter reminding him of his future conduct.

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

**37. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000207048
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000207048 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/000207048 be GRANTED.

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

**38. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000205359
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider a Private Hire Driver Licence Number WK/000205359 having regard to the offences declared on the Statutory Declaration Form 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/000205359 be REFUSED.

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

**39. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000207949
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000207949 having regard to the submission of a false 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 WK/000207949 be GRANTED.

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

**40. PRIVATE HIRE DRIVER LICENCE (WK/000208568)
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

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

The driver 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 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 revoked with immediate effect 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. If the licence holder be subsequently found innocent of all charges, he may reapply for his licence free of charge and that any remaining time limits on the length of his Private Hire Driver Licence (Disclosure and Barring Service certificate, DVLA mandate medical etc.) would be honoured as if the revocation had not taken place. For clarification, the renewal dates that are in place at the time of this decision would stand.

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

**41. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WL/000208440
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7).**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000208440 having regard to the submission of a false 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 her right of appeal to the Magistrates Court if she was aggrieved by the decision.

RESOLVED: That Application Number WK/000208440 be GRANTED.

(Note 1: Councillor Mee declared a pecuniary interest, as the Applicant's Partner is a neighbour of his and therefore left the Chamber during consideration of this item and did not return to the meeting following this item).

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

- CHAIRMAN -