

LICENSING & APPEALS COMMITTEE

HELD: Tuesday, 11 October 2016

Start: 7.40 pm
Finish: 10.05 pm

PRESENT:

Councillor: T Devine (Chairman)

Councillors:	N Delaney	C Evans
	J Kay	D McKay
	J Mee	R Melling
	M Mills	G Owen
	A Owens	K Wright

In attendance: Police Sergeant Bushell – Lancashire Constabulary (Agenda Item 10 only)

Officers: Commercial, Safety and Licensing Manager (Mr P Charlson)
Principal Solicitor (Mrs K Lovelady)
Senior Licensing Officer (Mrs M Murray)
Senior Licensing Officer (Mrs S Jordan)
Licensing Assistant (Ms S O'Donnell)
Licensing Assistant (Ms D Baillie)
Member Services/Civic Support Officer (Mrs J Brown)

31 APOLOGIES

There were no apologies for absence received.

32 MEMBERSHIP OF THE COMMITTEE

The Committee were informed that Councillor Owen will replace Councillor Patterson as a permanent change to the Membership of the Licensing and Appeals Committee.

33 URGENT BUSINESS

There were no urgent items of business.

34 DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

35 DECLARATION OF INTEREST

Councillor Delaney declared a non-pecuniary interest in relation to Agenda Item 11 – Private Hire Driver – Determination of Existing Licence LN/00005314 as the person was known to him and therefore left the Chamber during consideration of this item.

Councillor Devine declared a non-pecuniary interest in relation to Agenda Item 14 – Private Hire Driver – Determination of Existing Licence-LN/000004280 as the person was known to him and therefore left the Chamber during consideration of this item.

Councillor Kay declared a non-pecuniary interest in relation to Agenda Item 15 – Application for Private Hire Driver Licence –WK/000214675 as he has previously prosecuted the Applicant and therefore left the Chamber during consideration of this item.

Councillor Devine declared a non-pecuniary interest in relation to Agenda Item 15 – Application for Private Hire Driver Licence – WK/000214675 as the person was known to him and therefore left the Chamber during consideration of this item.

36 **MINUTES**

RESOLVED: That the Minutes of the meeting held on 19 July 2016 be received as a correct record and signed by the Chairman.

37 **HACKNEY CARRIAGE AND PRIVATE HIRE POLICY STATEMENT 2016 - LICENSED VEHICLE SPECIFICATION, VEHICLE TESTING REQUIREMENTS AND APPLICATION PROCEDURES**

Consideration was given to the report of the Director of Leisure and Wellbeing as contained on pages 99 to 165 of the Book of Reports, the purpose of which was to approve amendments to the Hackney Carriage and Private Hire Statement of Licensing Policy 2016 in respect of the licensed vehicle specification, vehicle testing and application procedures.

The Commercial, Safety and Licensing Manager outlined the report to Members and responded to questions and comments raised by Members.

RESOLVED: That the Hackney Carriage and Private Hire Statement of Licensing Policy 2016 be amended as detailed in Appendices 2, 3, 4 and 5 of the report.

38 **MINUTES OF EMPLOYMENT APPEALS SUB COMMITTEE**

That the Minutes of the Employment Appeals Sub – Committee held 20 September 2016 be noted.

39 **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.

**40 PRIVATE HIRE DRIVER - DETERMINATION OF EXISTING LICENCE
LN/000004526**

Members were asked to consider a Private Hire Driver Licence Number LN/000004526 having regard to the information that had been received in respect of the drivers' actions.

The Senior Licensing Officers presented video footage evidence to Members. Police Sergeant Bushell provided his witness statement and also gave his opinion on the video footage evidence shown to Members.

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

RESOLVED: That Private Hire Driver Licence Number LN/000004526 be REVOKED.

(Note: The Officers from Leisure and Wellbeing Services and Police Sergeant Bushell, Lancashire Constabulary left the meeting as Members considered their decision in this case).

**41 PRIVATE HIRE DRIVER - DETERMINATION OF EXISTING LICENCE -
LN/00005314**

Members were asked to consider a Private Hire Driver Licence Number LN/000005314 having regard to the offences incurred by the driver.

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

RESOLVED: That Private Hire Driver Licence Number LN/000005314 be REVOKED.

(Note 1: Councillor Delaney declared a non-pecuniary interest in relation to Agenda Item 11- Private Hire Driver – Determination of Existing Licence –LN/00005314 as the Driver was known to him and therefore left the Chamber for consideration of this item).

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

**42 PRIVATE HIRE DRIVER - DETERMINATION OF EXISTING LICENCE
LN/000007109**

Members were asked to consider a Private Hire Driver Licence Number LN/000007109 having regard to the complaint received about the Driver.

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

RESOLVED: That Private Hire Driver Licence Number LN/000007109 continue and that a warning letter be sent regarding his future conduct.

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

43 **APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/218051**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000218051 having regard to the content of the Statutory Declaration that accompanied the Application Form and any other relevant information.

The Applicant attended the meeting with his wife 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/000218051 be GRANTED.

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

44 **PRIVATE HIRE DRIVER - DETERMINATION OF EXISTING LICENCE LN/000004280**

Members were asked to consider a Private Hire Driver Licence Number LN/000004280 having regard to repeated failure to adhere to the Hackney Carriage and Private Hire Statement of Licensing Policy.

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

RESOLVED: That Private Hire Driver Licence Number LN/000004280 continue and that a warning letter be sent advising the driver to upkeep his vehicle in accordance with the Hackney Carriage and Private Hire Statement of Licensing Policy.

(Note 1: Councillor Devine declared a non-pecuniary interest in relation to Agenda Item 14 – Private Hire Driver – Determination of Existing Licence LN/000004280 as the Private Hire Driver was known to him and therefore left the Chamber during consideration of this item).

(Note 2: Councillor Delaney took the Chair for this item).

(Note 3: The Officers from Leisure and Wellbeing Services left the meeting as Members considered their decision in this case).

45 APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/214675

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000214675 having regard to the content of the Statutory Declaration that accompanied the Application Form and any other relevant information.

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 Private Hire Driver Licence Number WK/000214675 be **GRANTED.**

(Note 1: Councillor Devine declared a non-pecuniary interest in relation to Agenda Item 15 – Application for Private Hire Driver Licence – WK/000214675 as the Applicant was known to him and therefore left the Chamber during consideration of this item).

(Note 2: Councillor Kay declared a non-pecuniary interest in relation to Agenda Item 15 – Application for Private Hire Driver Licence – WK/000214675 as he has previously prosecuted the Applicant and therefore left the Chamber during consideration of this item and did not return to the meeting).

(Note 3: Councillor Delaney took the Chair for this item).

(Note 4: The Officers from Leisure and Wellbeing Services left the meeting as Members considered their decision in this case).

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Chairman