

LICENSING & APPEALS COMMITTEE

HELD: Tuesday, 7 June 2016

Start: 7.30 pm
Finish: 10.00 pm

PRESENT:

Councillor: Devine (Chairman)
N Delaney (Vice-Chair)

Councillors: D McKay J Mee
K Wright C Evans
R Melling Mills
A Owens Mrs P Baybutt
G Owen

Officers: Commercial, Safety and Licensing Manager (Mr P Charlson)
Principal Solicitor (Mrs K Lovelady)
Senior Licensing Officer (Mrs M Murray)
Member Services / Civic Support 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 Baybutt and Owen for this meeting only, thereby giving effect to the wishes of the political groups.

3 URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN

There were no urgent items of business.

4 DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

5 DECLARATION OF INTEREST

Councillor Delaney declared a pecuniary interest in relation to Agenda Item 15 – Private Hire Driver Licence – failure to declare offences – WK/000215793 as the Private Hire Driver was known to him and therefore left the Chamber during consideration of this item.

6 MINUTES OF SUB - COMMITTEES OR WORKING GROUPS

There were no minutes to receive.

7 MINUTES

RESOLVED That the minutes of the meeting held on 5 April 2016 be received as a correct record and signed by the Chairman.

8 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 7 (Criminal Matters) part 1 of Schedule 12A outweighs the public interest in disclosing the information.

9 PUBLIC REQUEST TO LICENCE A VEHICLE THAT DOES NOT MEET CURRENT AGE CRITERIA

Members were asked to consider a request received from a Private Hire Driver to Licence a Private Hire Vehicle that does not meet the age criteria within the Hackney Carriage & Private Hire Statement of Licensing Policy 2016.

Consideration was given to the report of the Director of Leisure and Wellbeing as contained on pages 9 to 13 of the Book of Reports, the purpose of which was to consider a request received from a Private Hire Driver to licence a Vehicle that does not meet the age criteria within the Hackney Carriage and Private Hire Statement of Licensing Policy 2016.

The Senior Licensing Officer outlined the report to Members and explained that the vehicle had been inspected, registered and plated as a Private Hire Vehicle by South Ribble Borough Council since April 2006, although the computer records at South Ribble Borough Council only date back to 2008.

The Private Hire Driver attended the meeting and outlined the reasons for his request and responded to questions from Members.

- RESOLVED:
- A. That an exemption be made to the Hackney Carriage and Private Hire Statement of Licensing Policy 2016 in order to grant the request to licence Private Hire Vehicle MA06 FKP.
 - B. That a report regarding the licenced vehicle age requirements contained in the council's Hackney Carriage and Private Hire Statement of Licensing Policy 2016 be presented to the next meeting of the Committee.

(Note - The Chairman varied the order of business in order to allow Agenda Item 9 to be heard after Agenda Item 11 to give the Private Hire Driver the opportunity to be present at the meeting).

10 APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000214457

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000214457 having regard to the content of the Statutory Declaration that accompanied the Application Form and any other relevant information.

RESOLVED That Application Number WK/000214457 be withdrawn at the request of the Applicant.

11 APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000213971

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000213971 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 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/000213971 be GRANTED.

(Not 1 - The Officers from Leisure and Wellbeing Services left the meeting as Members considered their decision in this case).

(Note 2 - The Chairman varied the order of business so that Agenda Item 11 be heard prior to Agenda Item 9 in order to allow the Private Hire Driver the opportunity to be present at the meeting).

12 APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000213090

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000213090 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 Application Number WK/000213090 be REFUSED.

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

13 PRIVATE HIRE DRIVER LICENCE - FAILURE TO DECLARE OFFENCE - WK/000214934

Members were asked to consider a Private Hire Driver Licence having regard to the offences which the licence holder failed to declare.

The Private Hire Driver attended the meeting and was accompanied by his friend. The driver 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 under the provisions of Section 61(1)b of the Local Government (Miscellaneous Provisions) Act 1976 the Private Hire Driver Licence Number LN/000005269 be revoked on the grounds of reasonable cause in that the applicant may not be a fit and proper person to hold such a licence having regard to the nature of the convictions recorded against him and his failure to disclose them.

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

14 **PRIVATE HIRE DRIVER LICENCE - FAILURE TO DECLARE OFFENCES - WK/000215775**

Members were asked to consider a Private Hire Driver Licence having regard to the offences which the licence holder failed to declare.

The Private Hire 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 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).

15 **PRIVATE HIRE DRIVER LICENCE - FAILURE TO DECLARE OFFENCES - WK/000215793**

Members were asked to consider a Private Hire Driver Licence having regard to the offences which the licence holder failed to declare.

The Private Hire 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/000005314 continue and that a warning letter be sent reminding him to disclose any future convictions.

(Note 1: The Officers from Leisure and Wellbeing Services left the meeting as Members considered their decision in this case).

(Note 2: Councillor Delaney declared a pecuniary interest in relation to Agenda Item 15 – Private Hire Driver Licence - failure to declare offences – WK/000215793 as the Private Hire Driver was known to him and therefore left the Chamber during consideration of this item and did not return to the meeting).

- CHAIRMAN -

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