

LICENSING & APPEALS COMMITTEE

HELD: Tuesday, 7 February 2017

Start: 7.30 pm

Finish: 8.45 pm

PRESENT:

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

Councillors: S Currie C Evans
J Kay D McKay
J Mee M Mills
G Owen A Owens
K Wright

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

60 **APOLOGIES**

There were no apologies for absence received.

61 **MEMBERSHIP OF THE COMMITTEE**

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

62 **URGENT BUSINESS**

There were no urgent items of business.

63 **DECLARATION OF PARTY WHIP**

There were no declarations of Party Whip.

64 **DECLARATION OF INTEREST**

Councillor Devine declared a pecuniary interest in relation to Agenda Item 11 – Private Hire Driver – Determination of Existing Licence WK/000223790 as the owner of 'Skem Settle Cars' who was in attendance was known to him.

65 **MINUTES OF SUB-COMMITTEES OR WORKING GROUPS**

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

66 MINUTES

RESOLVED: That the Minutes of the meeting held on 6 December 2016 be received as a correct record and signed by the Chairman.

67 LICENSING FEES AND CHARGES 2017/18

Consideration was given to the report of the Director of Leisure and Wellbeing as contained on pages 294 to 303 of the Book of Reports, the purpose of which was to consider revised proposed changes in licensing fees and charges for the period 1 April 2017 to 31 March 2018 following a decision of the European Court of Justice.

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

- RESOLVED A. That with effect from 1 April 2017, the proposed changes in Hackney Carriage and Private Hire licensing fees and charges contained in Table 1 of the report be approved.
- B. That delegated authority be granted to the Director of Leisure and Wellbeing Services to give notice under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 of the Council's intention to vary the fees and charges for vehicle, driver and operator licences.
- C. That with effect from 1 April 2017, the proposed fees and charges contained in Table 2 of the report be approved.
- D. That delegated authority be granted to the Director of Leisure and Wellbeing Services to amend those licences referenced in the report and related policies so that the payment of the licence fee relating to the cost of administering and enforcing the relevant licensing framework (successful application fee) is made a condition of that licence.

68 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.

69 DETERMINATION OF EXISTING PRIVATE HIRE DRIVER LICENCE - WK/000225358

Members were asked to consider an existing Private Hire Driver Licence having regard to a Police Caution being issued to the Driver.

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

RESOLVED: That Private Hire Driver Licence WK/000225358 shall continue.

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

70 **PRIVATE HIRE DRIVER - DETERMINATION OF EXISTING LICENCE- WK/000223790**

Members were asked to consider an existing Private Hire Driver Licence having regard to offences on the Drivers DVLA Licence.

The Driver attended the meeting with the owner of 'Skem Settle Cars' 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 WK/0002223790 shall continue.

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

(Note 2: Councillor Devine declared a pecuniary interest in relation to Agenda Item 11 – Private Hire Driver – Determination of Existing Licence – WK/000223790 as the owner of 'Skem Settle Cars' was known to him and therefore left the Chamber during consideration of this item).

71 **DETERMINATION OF EXISTING PRIVATE HIRE DRIVER LICENCE - WK/000225287**

Members were asked to consider an existing Private Hire Driver Licence having regard to the failure to disclose information and failure to adhere to the Hackney Carriage and Private Hire Statement of Licensing Policy.

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 Drive Licence Number WK/000225287 be REVOKED.

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

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CHAIRMAN