

**LICENSING AND ENVIRONMENTAL REGULATION
COMMITTEE**

MEETING, 23rd JULY, 2019

Present – Councillors P. Wild (Chairman), Dean (Vice-Chairman), Bagnall, Donaghy, Fletcher, Flitcroft, Gibbon, Haworth, Mistry (as deputy for Councillor Khurram), McKeon, Morris and Radcliffe (as deputy for Councillor Haslam).

Councillor P. Wild in the Chair.

1. MINUTES OF THE LAST MEETING

The minutes of the proceedings of the meeting held on 9th April, 2019 were submitted and signed as a correct record.

2. MINUTES OF THE LICENSING TRAFFIC SUB-COMMITTEE

The minutes of the proceedings of the meeting held on 16th April, 2019 were submitted and signed as a correct record.

3. EXCLUSION OF PRESS AND PUBLIC

Resolved – That, under Section (100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as specified in paragraph 3 (financial and business affairs) of Part 1 of Schedule 12A to the Act; and that it be deemed that, in all the circumstances of the case, the public interest in its exemption outweighs the public interest in its disclosure.

**4. APPLICATION FOR THE GRANT OF A HACKNEY
CARRIAGE VEHICLE LICENCE LER/15/19**

The Director of Place submitted a report which set out details of an application which had been received for the grant of a Hackney Carriage Vehicle Licence where the previous licence had lapsed in July, 2018.

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The applicant and his sons attended the meeting and outlined the reasons why the previous licensed had lapsed.

The sub-Committee also heard verbal evidence from the Licensing Officer.

It was moved by Councillor Donaghy and Seconded by Councillor Mistry that the Hackney Carriage Vehicle Licence be granted owing to the exceptional circumstances of the case.

For the Motion, Viz –

Councillors Mistry, Donaghy, Haworth, McKeon, Morris, Dean, Fletcher, Radcliffe, P. Wild, Bagnall, Flitcroft and Gibbon.

Against the Motion, Viz –

Nil

Abstain, Viz –

Nil

Whereupon the motion was declared carried.

5. APPLICATION FOR A LICENCE TO DRIVE A HACKNEY CARRIAGE VEHICLE LER/16/19

The Director of Place submitted a report which set out details of an application for a licence to drive a Hackney Carriage Vehicle where there had been an allegations of misconduct.

The applicant and his solicitor attended the meeting. The Committee also heard verbal evidence from the Licensing Officer.

It was moved by Councillor McKeon and Seconded by Councillor Bagnall that the licence to drive a Hackney Carriage Vehicle be granted, subject to the standard byelaws.

For the Motion, Viz –

Councillors Mistry, Donaghy, Haworth, McKeon, Morris, Dean, Fletcher, Radcliffe, P. Wild, Bagnall, Flitcroft and Gibbon.

Against the Motion, Viz –

Nil

Abstain, Viz –

Nil

Whereupon the motion was declared carried.

**6. APPLICATION FOR A LICENCE TO OPERATE
PRIVATE HIRE VEHICLES LER/17/19**

The Director of Place submitted a report which gave details of an application which had been received for a licence to operate private hire vehicles.

The report outlined the full details of the application which was jointly by two individuals.

The applicants attended the meeting and provided verbal evidence.

It was moved by Councillor Haworth and Seconded by Councillor Morris that the licence to operate private hire vehicles be granted, subject to the standard conditions.

For the Motion, Viz –

Councillors Mistry, Donaghy, Haworth, McKeon, Morris, Dean, Fletcher, Radcliffe, P. Wild, Bagnall, Flitcroft and Gibbon.

Against the Motion, Viz –

Nil

Abstain, Viz –

Nil

Whereupon the motion was declared carried.

**7. APPLICATION FOR A LICENCE TO DRIVE PRIVATE
HIRE VEHICLES AND MISCONDUCT BY A LICENSED
PRIVATE HIRE OPERATOR LER/18/19**

(Councillor P. Wild declared an interest in the following item as he knew the applicant and left the room taking no part in the discussions or vote thereon.)

Councillor Dean as the Vice-Chairman here took the Chair.

The Director of Place submitted a report which gave details of an application which had been received for a licence to drive private hire vehicles which had previously lapsed and also misconduct by a Licensed Private Hire Operator.

The report outlined the full details of the application and alleged misconduct.

The applicant and his solicitor attended the meeting and provided verbal evidence.

It was moved by Councillor Bagnall and Seconded by Councillor Haworth that the licence to drive a private hire vehicle be refused but no action be taken in relation to operate private hire vehicles.

For the Motion, Viz –

Councillors Mistry, Donaghy, Haworth, McKeon, Morris, Dean, Fletcher, Radcliffe, Bagnall, Flitcroft and Gibbon.

Against the Motion, Viz –

Nil

Abstain, Viz –

Nil

Whereupon the motion was declared carried and it was specifically Resolved -

That the application to drive a private hire vehicle be refused on the basis that the Committee is not satisfied that the applicant is a fit and proper person to hold a licence.

The Sub-Committee also took account of –

- The conviction for using a vehicle uninsured against third party risks from December, 2018;
- The applicant was convicted of speeding on a public road in July, 2017;
- The pattern of previous offences in relation to exceeding the speed limit;
- Matters around the Council's Statement of Fitness and Suitability. A person with two or more intermediate traffic offences where the conviction dates are less than 3 years will be referred to Committee for consideration. Two or more convictions which are less than three years will generally mean that a person applying for a licence will normally have their application refused; and
- The Committee also considered two references and additional information which the Committee considered.

Members of the public and in particular, the elderly, infirm and children or vulnerable adults entrust their personal safety and wellbeing to private hire operators and drivers whenever they take a journey. Passengers often travel alone and are vulnerable to inappropriate behaviour.

The Committee's primary duty is of concern for the safety and well-being of the public.

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There is therefore reasonable cause to refuse the private hire drivers licence. No action will be taken in relation to the Operators Licence.

(The meeting started at 2.00pm and finished at 5.03pm)