



**ST HELENS**  
BOROUGH COUNCIL

**Town Hall, St. Helens, Merseyside, WA10 1HP**

**Telephone: 01744 676109 (Andy Roscoe)**

# **Agenda**

## **LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE**

**PUBLIC MEETINGS ARE WEBCAST (LIVE STREAMED)**

**Date:** Thursday, 11 March 2021

**Time:** 5.30 pm

**Venue:** Virtual

### **Membership**

<b>Lab 13 Councillors</b>	<b>Banks (Chairman), Bell, Cunliffe, Hattersley, T Long, Maloney MBE, Murphy, Pritchard, Pearson, Sweeney and Uddin</b>
<b>LD 1 Councillor</b>	<b>Pearl</b>
<b>Con 1 Councillor</b>	<b>Jones</b>
<b>Green 1 Councillor</b>	<b>O'Keefe</b>
<b>Ind 1 Councillor</b>	<b>Tasker</b>

<u>Item</u>	<u>Title</u>	<u>Page</u>
1.	<u>Apologies for Absence</u>	
2.	<u>Minutes of the meeting held on 10 February 2021</u>	3
3.	<u>Declarations of Interest from Members</u>	

Item

Title

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4. Exclusion of the Public 7

Recommended that the public be excluded from the meeting during consideration of the following items:

Items Reason (under the Local Government Act 1972)

- 5 Exempt information in relation to any individual (Para 1 of Schedule 12a)

**PRIVATE AGENDA**

5. Application to Renew Hackney Carriage/Private Hire Driver's Licence – Ref: HD1511 9

## LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE

At a meeting of this Committee held on  
10 February 2021

**(Present)**            **Councillor Banks (Chair)**  
**Councillors Bell, Cunliffe, Jones, Hattersley, T Long,**  
**Maloney, Murphy, O’Keefe, Pritchard, Pearl, Pearson,**  
**Sweeney, Tasker and Uddin**

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**6        APOLOGIES FOR ABSENCE**

No apologies for absence were received.

**7        MINUTES**

\*        **Resolved that the minutes of the meeting held on 9 December 2020 be approved.**

**8        DECLARATIONS OF INTEREST FROM MEMBERS**

No Declarations of Interest from Members were made.

**9        ADOPTION OF STATUTORY STANDARDS IN TAXI LICENSING**

A report was presented to the Committee to approve the adoption of the new Statutory Taxi and Private Hire Vehicle Standards following consultation.

A consultation into the adoption of the Statutory Standards was authorised by this Committee at its meeting held on 9 December 2020. The consultation ran until 31 January 2021.

The Committee was advised that the consultation was widely distributed to the licensed trade and other organisations and was also published on the Council’s website.

It was reported that one response was received to the consultation from Unite the Union, a copy of which was attached to the report at Appendix A. Members noted that the majority of comments from Unite were in agreement with the proposed Standards.

The report detailed the main changes the Standards would introduce, and it was explained that some of these areas were complex and would require a substantial degree of planning, resources and funding. As such an implementation plan would be developed to facilitate this.

It was also reported that the Liverpool City Region Licensing Managers had agreed to consider if any of the areas could be delivered collectively to reduce the associated costs, as no funding had been made available from Central Government to implement the new Standards.

Members were aware from the previous report presented to this Committee at its meeting held on 9 December 2021, that the Department for Transport expected the Standards contained in the guidance to be implemented unless there was a compelling local reason not to do so, and it was the recommendation of officers that the Standards be adopted in their entirety.

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Members were advised that the Council's Taxi Licensing Policy would require amending to incorporate the new Standards.

\* **Resolved that:**

- (1) **the outcome of the consultation into the adoption of the Statutory Standards in Taxi Licensing be noted; and**
- (2) **the adoption of the Statutory Standards for Taxi and Private Hire Vehicle Licensing be approved in their entirety and their adoption be recommended to Full Council.**

## 10 **EXCLUSION OF THE PUBLIC**

\* **Resolved that the public be excluded from the meeting during consideration of the following items for the reason stated:**

<b><u>Minutes</u></b>	<b><u>Reason (under Local Government Act 1972)</u></b>
<b>11 &amp; 12</b>	<b>Information relating to an individual in accordance with Paragraph 1 of Schedule 12(a).</b>

Councillor Hattersley did not take part in the vote on both private items.

Councillor T Long left the meeting during discussion of the following item.

## 11 **NEW APPLICATION HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (REF: AH)**

A report was presented to the Committee regarding an application for a Hackney Carriage/Private Hire Driver's Licence (Ref: AH).

In making their application on 28 July 2020, the Applicant declared a previous conviction for a violent offence from 2015 and three fixed penalty points for speeding from 2019.

A Disclosure and Barring Service (DBS) certificate for the Applicant was returned to Licensing on 1 October 2020 and confirmed the conviction.

The Committee was advised of the Council's policy on such offences.

On 16 October 2020, a pre-committee referral interview was conducted by telephone with the applicant. The record of this interview was attached to the report at Appendix A, during which the applicant gave their account of the incident leading to the conviction from 2015 and the speeding offence from 2019.

The Applicant appeared by video link and was given every opportunity to present their case to Members and answer questions before being invited to sum up their case.

The Applicant and Licensing Officers then left the meeting whilst the Committee deliberated in private with the Council's Solicitor.

\* **Resolved that on the balance of probabilities the application for Hackney Carriage/Private Hire Driver's Licence (Ref: AH) be refused as the**

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**Committee was not satisfied that the applicant was a “fit and proper person” to hold a driver’s licence pursuant to Section 51 and 59 of the Local Government (Miscellaneous Provisions Act) 1976 and the Council’s Policy.**

Licensing Officers then returned to the meeting.

Councillor Pearson here left the meeting.

**12 NEW APPLICATION HACKNEY CARRIAGE/PRIVATE HIRE DRIVER’S LICENCE (REF: MAN)**

A report was presented to the Committee regarding an application for a Hackney Carriage/Private Hire Driver’s Licence (Ref: MAN).

The Committee was advised that on making their application to Licensing, MAN paid the relevant fee and also submitted the required documentation, as per Council policy for new applicants. MAN had also completed all their mandatory checks with the exception of the Taxi VRQ, which could be completed within the first six months of licence.

The Committee were advised that although the Applicant had completed all the required licensing checks, as they had lived outside the UK prior to 2017 the Civic Events, Licensing and Land Charges Manager was unable to grant the licence on this limited documentation, as the Applicant had been unable to provide a complete history in relation to their criminal record/good character, medical and driving history. For this reason, the application had been referred to Committee for determination.

The Applicant appeared by video link and was given every opportunity to present their case to Members and answer questions before being invited to sum up their case.

The Applicant and Licensing Officers then left the meeting whilst the Committee deliberated in private with the Council’s Solicitor.

- \* **Resolved that on the balance of probabilities, the application for Hackney Carriage/Private Hire Driver’s Licence (Ref: MAN) be granted for a period of one year (to 31 January 2022), with the provision for completing the VRQ qualification within the first six months, as the Committee was satisfied that the applicant was a ‘fit and proper person to hold a driver’s licence’ pursuant to Section 51 and 59 of the Local Government (Miscellaneous Provisions Act) 1976 and the Council’s Policy.**

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**ST. HELENS COUNCIL  
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**HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS, PROPRIETORS AND  
OPERATORS LICENCES**

**PROCEDURAL GUIDE**

1. The Chairman of the Committee will open the meeting and invite the Licensing and Land Charges Manager to outline the procedure for dealing with the item.
2. The procedure to be followed will then be explained to all members present.
3. The Licensing and Land Charges Manager will briefly outline the details of the application or the reasons for the referral to the Committee.
4. The applicant / licence holder (and his or her representative) will then be brought into the meeting and the Licensing and land Charges Manager will outline why the matter has been brought before the Committee for consideration.
5. The Chairman of the Committee will then invite the applicant or licence holder to comment of the report before the Committee and members of the Committee to determine:
  - (a) Whether a new applicant is a fit and proper person to hold a licence;
  - (b) Whether the Committee has cause to suspend, revoke or refuse to renew the existing licence.
6. Members of the Committee will then ask the applicant or licence holder questions.
7. The applicant / licence holder or representative will then sum up the case for the grant or retention of the licence after which they will leave the meeting to allow the Committee to deliberate and to take any advice required from Council Officers.
8. The applicant / licence holder and representative will be invited back into the meeting to allow the Committee to deliver its decision. Which will subsequently be confirmed in writing.

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