



ST HELENS
BOROUGH COUNCIL

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

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Agenda

LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE

PUBLIC MEETINGS ARE WEBCAST (LIVE STREAMED)

Date: Wednesday, 24 March 2021 Time: 5.30 pm Venue: Virtual

Membership

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

<u>Item</u>	<u>Title</u>	<u>Page</u>
1.	<u>Apologies for Absence</u>	
2.	<u>Minutes of the meeting held on 11 March 2021</u>	3
3.	<u>Declarations of Interest from Members</u>	
4.	<u>Exclusion of the Public</u>	5

Item

Title

Page

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

Items Reason

5 & 6 Exempt information in relation to any individual (Para 1 of Schedule 12a)

PRIVATE AGENDA

- | | | |
|----|--|-----------|
| 5. | <u>Review of Hackney Carriage/Private Hire Drivers Licence (Ref: HD2815)</u> | To follow |
| 6. | <u>Application for New Hackney Carriage/Private Hire Driver's Licence</u> | To follow |

LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE

At a meeting of this Committee held on
11 March 2021

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

(Not Present) **Councillors Pearson and Pritchard**

13 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Pearson and Pritchard.

14 MINUTES

* **Resolved that the minutes of the meeting held on 10 February 2021 be approved.**

15 DECLARATIONS OF INTEREST FROM MEMBERS

No Declarations of Interest from Members were made.

16 EXCLUSION OF THE PUBLIC

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

<u>Minute</u>	<u>Reason (under Local Government Act 1972)</u>
17	Information relating to an individual in accordance with Paragraph 1 of Schedule 12(a).

Councillor Uddin here left the meeting.

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

17 APPLICATION TO RENEW HACKNEY CARRIAGE/PRIVATE HIRE DRIVER’S LICENCE (REF: HD1511)

A report was presented to the Committee in relation to a renewal of existing Hackney Carriage/Private Hire Driver’s Licence (Ref: HD1511).

Upon checking the application dated 27 November 2020, the Licensing Section noted that HD1511’s address details were different to those held on file.

It was also noted that the applicant declared a motoring conviction from February 2020 for which they had received 6 penalty points. This had not been previously disclosed to the Licensing Section in accordance with the ‘7-day rule’.

LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE

It was reported to Members that checks were undertaken in relation to the applicant's DVLA licence which confirmed that HD1511 had received 6 penalty points for an MS90 offence (failure to provide information as to identity) in February 2020.

This was originally for a speeding offence which carried 3 penalty points, however as HD1511 failed to provide the relevant information to the Police this was changed to the MS90 offence which carries 6 penalty points.

Members were advised that HD1511's application to renew their licence had not been granted due to the undeclared MS90 offence and 6 penalty points and the fact that HD1511 had previously been referred to this Committee for failure to declare convictions for motoring offences in May 2017. On this occasion, they received a 2-week suspension (reduced to 1-week on appeal to the Magistrates' Court).

Copies of the declaration of convictions form completed by HD1511, email correspondence between HD1511 and the Licensing Section in relation to the application to renew HD1511's licence, the Licensing Committee report and Decision Letter from May 2017 and Pre-Committee Interview notes dated 12 February 2021 were attached to the report as Appendices A to E respectively.

HD1511 attended the meeting 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.

HD1511 had also provided a written statement, which was circulated and considered by Members at the meeting.

HD1511 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, that the application for renewal of Hackney Carriage/Private Hire Driver's Licence (Ref: HD1511) be refused as the Committee was not satisfied that HD1511 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
LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE**

**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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