

LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE

At a meeting of this Committee held on
27 November 2019

(Present) **Councillor Banks (Chairman)**
Councillors J Jackson, P Jackson, Jones, T Long, McQuade,
O’Keefe, Osundeko, Pearl, Tasker and Uddin

(Not Present) **Councillors Bell, Cunliffe, Grunewald and Pritchard**

38 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Bell and Cunliffe.

39 MINUTES

* **Resolved that the minutes of the meeting held on 23 October 2019 be approved.**

40 DECLARATIONS OF INTEREST FROM MEMBERS

No Declarations of Interest from Members were made.

41 EXCLUSION OF THE PUBLIC

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

<u>Minutes</u>	<u>Reason (under Local Government Act 1972)</u>
42 - 45	Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para 3 of schedule 12a.

42 APPLICATION FOR A NEW HACKNEY CARRIAGE/PRIVATE HIRE DRIVER’S LICENCE (REF: JPJ)

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

In making their initial application on 11 April 2019, the Applicant declared three convictions on the relevant section of the application. However, the Applicants DBS Certificate was initially delayed and the final copy of their DBS Certificate was presented to the Licensing Section on 1 October 2019.

The DBS Certificate detailed a total of six convictions from May 1995 onwards. Of those convictions, three were not previously disclosed and of the total six, it was considered that two were for relevant offences.

The Committee was advised of the Council Policy on such offences and it was stated more than one offence of this type would generally prevent a person from being licensed.

LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE

The Committee was also advised that the Council's policy clearly set out that failure to disclose all convictions may lead to an application being refused.

A copy of the Applicant's pre-committee referral record was attached at Appendix A to the report.

The Applicant had submitted a pre-prepared personal statement which had been circulated to Members in advance of the meeting.

The Applicant had also submitted four character references which had been circulated to Members in advance of the meeting.

The Applicant was in attendance to present their case to Members and answer questions and was then given every opportunity to present their case to the Committee and answer questions before being invited to sum up their case.

The Applicant was advised that due to there being several other matters on the agenda, the Committee's decision would be conveyed to them the following day and a letter containing detailed reasons for the decision would follow in due course.

The Applicant then left the meeting whilst the Committee deliberated in private.

- * **Resolved that the Application for Hackney Carriage/Private Hire Driver's licence (Ref: JPJ) be granted for a period on one year, 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.**

Councillor O'Keefe entered the meeting during discussion of the following item.

43 REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (REF: HD3511)

A report was presented to the Committee in relation to a review of existing Hackney/Private Hire Driver's Licence (Ref: HD3511).

Members were informed that HD3511 was first licensed following a decision by this Committee on 22 November 2017, and that HD3511's current licence was due to expire on 27 November 2019.

HD3511 had attended an appointment with the Licensing Section on 13 November 2019 to renew their Hackney Carriage/Private Hire licence.

However, the application was refused as HD3511 had two motoring offences on their DVLA licence for which they had a total of six penalty points. One of the offences from 28 July 2019 was not reported in accordance with the '7 Day Rule'.

Members were also informed that HD3511's initial application for a hackney carriage/private hire driver's licence was referred to this Committee on 22 November 2017 due to relevant motoring convictions from March 2007.

Copies of the Committee report when HD3511 was first licensed, a copy of the notification form and conditional offer of fixed penalty dated 2 September 2019, DVLA licence and pre-committee interview record were attached to the report at Appendix

LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE

A to D respectively.

HD3511 was in attendance to present their case to Members and answer questions and was then given every opportunity to present their case to the Committee and answer questions before being invited to sum up their case.

HD3511 was advised that due to there being several other matters on the agenda, the Committee's decision would be conveyed to them the following day and a letter containing detailed reasons for the decision would follow in due course.

HD3511 then left the meeting whilst the Committee deliberated in private.

* **Resolved that on the balance of probabilities, the licence of Hackney/Private Hire Driver (Ref: HD 3511) be revoked on the ground of "any other reasonable cause" pursuant to section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Policy, due to the evidence detailed in the report and presented orally to the Committee that:**

- the driver had received six penalty points for two motoring offences;
- one of the offences from 28 July 2019 was not reported in accordance with the '7 Day Rule'; and
- HD3511's initial application for a Hackney Carriage/private hire driver's licence was referred to this Committee on 22 November 2017 due to relevant motoring convictions from March 2007.

Councillor T Long here left the meeting.

44 REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (REF: HD3606)

A report was presented to the Committee in relation to a review of existing Hackney/Private Hire Driver's Licence (Ref: HD3606).

Members were advised that HD3606 had four live motoring offences on their DVLA licence dating 14 March 2018, 1 June 2019, 8 June 2019 and August 2019 for which they had received a total of 15 penalty points.

The speeding offence from August 2019 was not declared to the Licensing Section within the '7 Day Rule' and was only declared on 21 October 2019.

HD3606 confirmed that they were working as a licensed driver at the time of all three offences which occurred in June and August 2019.

Copies of the relevant section of the application, Notification of a Change in Circumstances documentation and pre-Committee referral record were attached to the report at Appendix A to D respectively.

HD3606 was in attendance to present their case to Members and answer questions and was then given every opportunity to present their case to the Committee and answer questions before being invited to sum up their case.

HD3606 also presented a reference and online reviews which were circulated to and considered by the Committee.

LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE

HD3606 was advised that due to there being several other matters on the agenda, the Committee's decision would be conveyed to them the following day and a letter containing detailed reasons for the decision would follow in due course.

HD3606 then left the meeting whilst the Committee deliberated in private.

- * **Resolved that on the balance of probabilities, the licence of Hackney/Private Hire Driver (Ref: HD3606) be revoked with immediate effect in the interests of public safety pursuant to Section 61 of the Local Government (Miscellaneous Provisions Act) 1976 as amended by Section 52 of the Road Safety Act 2006.**

45 REQUEST TO DISPLAY PERMANENT ADDITIONAL SIGNAGE ON LICENSED VEHICLE PH2271

A report was presented for the Committee to consider the request to display additional signage on a licensed vehicle which was outside of current licensing policy.

The request had been submitted by the vehicle owner and licensed driver and related to licensed vehicle PH2271.

The Committee was advised that the vehicle proprietor first approached the Licensing Section on 28 October 2019 to request permission to display their 'poppy' signage as a mark of respect for the fallen during the Remembrance Sunday month.

The request was subsequently approved until 27 November 2019.

On the same request of 28 October 2019 the vehicle proprietor requested that the 'poppies' become a permanent feature on their licensed vehicle along with the incorporation of the #KnowYour Ride brand.

The report outlined the current policy on vehicle signage and advertising.

Photographs were attached to the report at Appendix A to C of the vehicle displaying:

- just the poppy signage;
- just the #KnowYourRide additional branding; and
- both the poppies and the #KnowYour Ride branding on the vehicle, together with the Operator Details.

The vehicle proprietor was in attendance to present their case to Members and answer questions and was then given every opportunity to present their case to the Committee and answer questions before being invited to sum up their case.

The Committee considered the requests made by the vehicle proprietor as outlined in the report.

Following discussion, the vehicle proprietor withdrew the request to display the 'poppy' signage and agreed to undertake further research into potential options.

The vehicle proprietor was advised that due to there being several other matters on the agenda, the Committee's decision would be conveyed to them the following day and a letter containing detailed reasons for the decision would follow in due course.

LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE

The vehicle proprietor then left the meeting whilst the Committee deliberated in private.

* **Resolved that:**

- (1) further research would be undertaken by the vehicle proprietor for the potential display of poppy signage on licensed vehicle PH2271, with a revised set of potential options being submitted to a future meeting;**
- (2) approval be granted for the #Know Your Ride graphic to be displayed on licensed vehicle PH2271 for a period of 12 months; and**
- (3) delegated powers be given to the Licensing Manager for a period of 12 months to approve further requests from the trade of the same nature.**

-oOo-