

# **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **General Licensing Sub-Committee**  
held on Friday, 28th October, 2016 at Committee Suite 2/3 - Westfields,  
Middlewich Road, Sandbach, CW11 1HZ

## **PRESENT**

Councillor W S Davies (Chairman)

Councillors Rhoda Bailey, D Bebbington, B Dooley and I Faseyi

## **OFFICERS IN ATTENDANCE**

Tracey Billington, Licensing Officer  
Kim Evans, Licensing Team Leader  
Jim Hopper, Licensing Officer  
Martin Kilduff, Licensing Officer  
Aoife Ryan, Lawyer  
Julie Zientek, Democratic Services Officer

### **31 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor S Davies be appointed Chairman.

### **32 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **33 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **34 EXCLUSION OF THE PUBLIC AND PRESS**

RESOLVED - That the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A) 4 of the Local Government Act 1972 on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

### **35 16-17/13 APPLICATION TO CONSIDER THE FUTURE OF A PRIVATE HIRE VEHICLE LICENCE AND THE REMOVAL OF A PRIVATE HIRE VEHICLE CONDITION**

The Sub-Committee considered a report regarding an application to fit a hydrogen on demand system to the engine of a Private Hire Vehicle.

The Sub-Committee was informed that the matter fell within the Council's policy for determination by the Sub-Committee. Accordingly, the hearing

had been convened to enable the Sub-Committee to determine the future of the Private Hire Vehicle Licence.

The licence holder attended the hearing and made representations in respect of the case.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED - That the application to waive Conditions 2.1 and Condition 2.4 of the Council's Private Hire Vehicle Licence Conditions be granted, subject to the following conditions:

1. The installation of the "Hydrogen on Demand" system is to be undertaken by an independent approved and authorised dealership to be identified to and approved by the Licensing Team Leader in consultation with the Sub-Committee Chairman, prior to the work being undertaken;
2. The Licensing Section is to be provided with a certificate from the garage as to the modification carried out to the mechanical specification of the vehicle engine, within 14 days of the work being undertaken;
3. The Licensing Section is to be provided with confirmation, by way of the production of a V5 Certificate, that the vehicle's modification and conversion to a dual fuel role, has been notified to the DVLA;
4. The Licensing Section is to be provided with confirmation that an appropriate policy of insurance is in place in respect of the modified vehicle.

The licence holder was reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

### **36 16-17/11 CONSIDERATION OF DRIVING RECORD AND THE ACCUMULATION OF PENALTY POINTS**

The Sub-Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the matter fell within the Council's policy for determination by the Sub-Committee. Accordingly, the hearing had been convened to enable the Sub-Committee to determine whether the licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The licence holder, a representative of the licence holder and a supporter of the licence holder attended the hearing and made representations in respect of the case.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED

- (a) That a formal warning be issued with respect to the licence holder's future conduct.
- (b) That the licence holder is at this time a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver's Licence, and that no further action be taken.

**37 16-17/12 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Sub-Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the matter fell within the Council's policy for determination by the Sub-Committee. Accordingly, the hearing had been convened to enable the Sub-Committee to determine whether the licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The licence holder and a representative of the licence holder attended the hearing and made representations in respect of the case.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED

- (a) That a formal warning be issued with respect to the licence holder's future conduct.
- (b) That the licence holder is at this time a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver's Licence, and that no further action be taken.

**38 16-17/14 APPLICATION FOR THE RENEWAL OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Sub-Committee considered a report regarding an application for the renewal of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the application fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine

whether the application for the renewal of a Joint Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant attended the hearing and made representations in respect of the case.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED - That the applicant is not a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver's Licence, and that the application for the renewal of a licence be refused.

The applicant was reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

**39 16-17/15 APPLICATION FOR THE RENEWAL OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Sub-Committee considered a report regarding an application for the renewal of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the application fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine whether the application for the renewal of a Joint Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant attended the hearing and made representations in respect of the case.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED

- (a) That the applicant is at this time a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence, and that the application for the renewal of a licence be granted.
- (b) That a formal warning be issued with respect to the applicant's future conduct.

The meeting commenced at 10.00 am and concluded at 2.45 pm

Councillor W S Davies (Chairman)