

At a meeting of the Licensing Regulatory Panel held in Council Chamber - Allerdale House, Workington on Friday 15 March 2019 at 2.00 pm

## **Members**

Councillor Mary Bainbridge  
Councillor Angela Kendall  
Councillor Martin Wood

Councillor Hilary Harrington  
Councillor Ron Munby MBE

## **Staff Present**

D Fletcher, L Jardine and J Morgan

### **415. Election of Chair**

Councillor Angela Kendall was elected chair for the ensuing meeting

### **416. Declaration of Interests**

None Declared

### **417. Questions**

None Received

### **418. To consider an application for a Hackney Carriage Driver Licence**

The Licensing and Compliance Officer submitted a report for the licensing regulatory panel to consider whether a person who has made an application for a hackney carriage driver's licence is a fit and proper person to hold such licence.

The applicant was in attendance at the meeting.

The Licencing and Compliance Officer delivered the report to the panel. As part of the applicant's application the Disclosure and Barring Service certificate (dated 22<sup>nd</sup> January 2019) revealed information relevant to the application. The officer also advised that the applicant has no endorsements on their driving licence.

The officer's recommendation was to refuse the licence on the grounds that the applicant is not a fit and proper person to hold a licence.

The applicant then gave their representations and answered questions from members. The applicant advised the panel that the last entry on his DBS certificate was from 16 years ago and that he was a safe and good driver, he also explained that he had been backed by a local taxi company who would provide him with a job, if the application was approved.

The Licencing and Compliance Officer and the applicant then left the meeting while the panel considered the application.

Members considered the application, the officer's report, and representations from the applicant and his prospective employer. The Panel also considered relevant legislation, and the Council's policy on the relevance of criminal convictions.

Members were concerned with entries on the applicants DBS certificate. They acknowledged that the last offence was from 2003, but the nature of the offences, in particularly violence and driving related offences caused concern.

Councillor Wood moved the motion to refuse the licence as per the officer's recommendation.

This was seconded by Councillor Munby.

A vote was taken on the motion, 5 voted in favour, 0 against and 0 abstentions.

The motion was carried.

The Licencing and Compliance Officer and the applicant returned to the meeting.

The applicant was informed of the decision and its reasons

### **Decisions/Reasons**

The licensing panel decided to:

Refuse to grant the licence on the basis that it is not satisfied that the applicant is a fit and proper person to hold a driver's licence under section 59(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 and in accordance with the officer's recommendation.

The applicants DBS Certificate showed a lengthy pattern of offending, including dishonesty, motoring and violence offences. The Council's policy states that the overall offending history must be considered when a period of time is more likely to give cause for concern than an isolated minor conviction. Whilst the Panel acknowledged that sixteen years passed since the most recent offence, and the policy states that this can show a significant reduction in the risk to the public, the overriding considerations are the protection of the public and the prevention of crime and disorder. All convictions should be considered on their own merits. The Council's policy states that there may be occasions where it is appropriate to depart from the guidelines. One of the examples cited is where there are many or continuous offences which may show a pattern of offending and unfitness and in the Panel's view that applied to the applicants circumstances.

It is considered that the number and nature of the convictions revealed in the application would still show a significant risk to the public.

In making its decision, the Panel listened to the applicant's representations and the information provided. The panel sought to balance the applicant's interests against the overriding objective to protect the safety of the public.

The applicant was advised that if he was aggrieved by this decision, he has the right to appeal to the Magistrates Court within 21 days of receiving written notification of the decision.

### **Resolved**

That the application for a hackney carriage licence be refused.

#### **419. To consider an application for a Hackney Carriage Vehicle**

The Licensing and Compliance Officer submitted a report for the Licensing Regulatory Panel to consider a vehicle for licence which does not meet the criteria of Allerdale Borough Councils Vehicle Age Policy.

The Applicant was in attendance at the meeting.

The Application was to consider whether the council departs from the conditions of its Vehicle Age Policy and agree to grant the hackney carriage vehicle licence for any period up to one year.

The vehicle has held a hackney carriage licence; however this was revoked on 10 January 2019.

The officer's recommendation was to refuse the licence.

The applicant provided his representations and explained he did not renew the licence as he did not receive the letter informing him to do so. Once he realised he started the process to renew the vehicle licence.

Members asked questions in relation to an incident in October 2018 which was noted in the report. The applicant advised that another motorist drove into the back of his car.

The Licensing and Compliance Officer and the applicant then left the meeting while the panel considered the application.

Members considered the application, the officer's report, and representations from the applicant and advice from officers. The Panel also considered relevant legislation, the Vehicle Age Policy and the purposes of the licencing objectives.

Councillor Harrington moved the motion to refuse the application as per officer's recommendation.

This was seconded by Councillor Munby

A vote followed the motion, 5 voted in favour, 0 against and 0 abstentions.

The motion was carried.

The Licensing and Compliance Officer and the applicant returned to the meeting.

The applicant was informed of the decision and its reasons.

#### Decisions/Reasons

The Panel decided to refuse to grant the licence on the grounds that the vehicle was over four years old at the date of application and on the basis applicant did not comply with the conditions contained in the Vehicle Age Policy. The policy states that no vehicle will be licensed as a hackney carriage or private hire vehicle if it is four years of age or older at date of application.

Once licensed any vehicle aged four or older is required to pass a test again six months after the licence is granted (or as close to six months as is reasonably practicable) at the Council's appointed testing station. Failure to comply with this requirement leads to the immediate revocation or refusal to renew the vehicle licence. In this case, the applicant was notified that the relevant six month test had not been carried out as required. The Panel notes that the applicant states he did not receive the initial letter advising that the six month test had not been completed. However, the Panel notes that even if this was the case, the applicant was also subsequently notified that the licence was to be revoked and did not appeal that revocation.

Due to the facts outlined, this is a new application and as such, the Panel has refused the licence on the grounds that the vehicle was over four years at the date of application, and on the basis that the applicant did not comply with the conditions contained in the Vehicle Age Policy before the hackney carriage vehicle licence expired.

If the applicant is aggrieved by the decision of the Panel, they can appeal to the Magistrates' Court within 21 days of the decision.

#### **Resolved**

That the application for a hackney carriage vehicle licence be refused.

**The meeting closed at 3.35 pm**