

At a meeting of the Licensing Regulatory Panel held in Council Chamber - Allerdale House, Workington on Thursday 20 December 2018 at 10.00 am

Members

Councillor Peter Kendall (Chair)

Councillor Mary Bainbridge

Councillor Ron Munby MBE

Councillor Hilary Harrington

Councillor Bill Pegram

Staff Present

D Fletcher, L Jardine and J Morgan

293. Election of Chair

Councillor Peter Kendall was elected chair for the ensuing meeting.

294. Declaration of Interests

None Declared

295. Questions

None Received

296. To consider an application for a Private Hire Driver Licence

The Licensing and Compliance Officer submitted a report for the Licensing Regulatory Panel to consider an application for a Private Hire Drivers Licence which does not meet the criteria of the Councils Conditions of Application and Licences.

The Applicant was in attendance at the meeting.

The Applicants Private Hire Licence expired on 12th June 2018, the applicant applied to renew on 28th June 2018 but her DVLA driving licence had expired. A new appointment was made on 10th July 2018 to renew the Private Hire Licence, however on this date the applicants DVLA licence had still not yet been renewed.

The Private Hire Licence had to be renewed by 10th July 2018, Due to the delay processing the DVLA licence the applicant was required to apply for a Private Hire Licence as a new applicant.

The officer then clarified the Private Hire Licence application process for both new and renewing drivers.

The officer's recommendation was to refuse the licence.

The applicant then gave her representations, advising the panel that she had undertaken a medical and failed on the eye test by 1 point. This caused the delay in the renewal of her licence; the applicant now currently has a full DVLA

licence. The eye test did not relate to the Licence required as a Private Hire Driver.

Members asked questions in relation to the eye test and the timeline in relation to the applicant renewing the Private Hire Licence.

The Licensing and Compliance officer then clarified that the applicant currently holds a certificate of professional competence, however now this is only for Category C1 and C1E vehicles. This does not qualify the applicant for an exemption from taking the driving assessment test.

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 Council's Conditions of Application and Licences and the fact that the applicant acted in line with the current policy.

Councillor Mary Bainbridge moved to grant the Private Hire Drivers Licence for one year.

This was seconded by Councillor Bill Pegram

A vote was taken on the motion. The vote to approve the application was unanimous.

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

The applicant was informed of the decision and its reasons.

Decision/Reasons

The Panel noted that the applicant has an exemplary driving history and that the circumstances of this matter were outside of her control.

Members noted that prior to the 28 day period following expiry of the licence, the application for renewal was made in good faith. The difficulties with the DVLA licence being returned within the required timescale were outside of the applicant's control.

Members noted that whilst the applicant had previously been exempt from taking the driving assessment, this is no longer the case. Consequently, the Panel requested that the applicant complete the practical driving test offered by the Council within 12 months of renewal, and any subsequent renewal will be dependent upon the applicant passing this test.

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 Private Hire Licence be approved for one year and the applicant complete the practical driving test offered by the Council within 12 months of renewal.

297. 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 revealed information relevant to the application. The officer also advised that the applicant has no endorsements on their driving licence and that the applicant passed the driving assessment on 24th August 2018.

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 DBS certificate only had one entry, from 2011, the applicant then provided an explanation of the entry. The applicant also provided a written personal reference from a County Councillor; the officer read this out to the panel.

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, the written personal reference and advice from officers. The Panel also considered relevant legislation, and the Council's policy on the relevance of criminal convictions.

Councillor Hilary Harrington moved to refuse the licence on the officer's recommendation.

This was seconded by Councillor Ron Munby

A vote was taken on the motion, 2 voted in favour, 3 against and 0 abstentions.

The motion was lost.

Councillor Bill Pegram then moved to grant the hackney carriage drivers licence for a period of six months. After this time, the decision to grant the licence would be delegated to the Licensing Officer should there be no further issues. Any subsequent renewal would require all Conditions of Application to be met prior to the issue of a further licence.

This was seconded by Councillor Mary Bainbridge.

A vote was taken on the motion, 3 voted in favour, 1 against and 1 abstention.

The vote to grant the licence was carried.

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

The applicant was informed of the decision and its reasons.

Decision/Reasons

The panel decided to grant the licence for a period of six months, after which the decision to continue to grant the licence will be delegated to the Licensing Officer should there be no further issues. Any further renewal will require all Conditions of Application to be met prior to issue of a further licence.

The panel considered the information the applicant has provided in conjunction with the overriding objective of protecting the safety of the public.

In making its decision, the Panel noted that the applicant received a conditional discharge for battery seven years ago and that the applicant has no other convictions. The panel noted that the applicant had clearly shown remorse for the conviction. The Panel also noted the content of the reference received from the County Councillor.

The panel in accordance with the licencing policies issued the applicant with a strict warning about future conduct and reminded them of the enforcement powers available to officers.

If the applicant is aggrieved of the decision, they have 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 granted for six months. After this time, the decision to grant the licence would be delegated to the Licensing Officer should there be no further issues. Any subsequent renewal would require all Conditions of Application to be met prior to the issue of a further licence.

The meeting closed at 11.50 am