

Summons to Meeting

Tuesday 26 June 2018

Licensing Committee

Wednesday 4 July 2018, 2.30 pm

Council Chamber - Allerdale House, Workington

Membership:

Councillor Angela Kendall (Chair)
Councillor Tony Annison
Councillor Len Davies
Councillor Hilary Harrington
Councillor Billy Miskelly
Councillor Ron Munby
Councillor Stephen Stoddart
Councillor Martin Wood

Councillor Christine Smith (Vice-Chair)
Councillor Mary Bainbridge
Councillor Malcolm Grainger
Councillor Peter Kendall
Councillor Jacqueline Mounsey
Councillor Bill Pegram
Councillor Janice Wood

Members of the public are welcome to attend the meeting. If you have any questions or queries contact Dean Devine on 01900 702502.

Agenda

1. Minutes (Pages 3 - 46)

To sign as a correct record the minutes of the Licensing Panel meeting held on 19 January 2018, the Licensing Committee meeting held on 5 February 2018, the Licensing Panel meeting held on 9 March 2018, the Licensing Regulatory Panel meeting held on 19 March 2018, the Licensing Panel meeting held on 21 May 2018 and the Licensing Regulatory Panel meeting held on 18 June 2018.

2. Apologies for Absence

3. Declaration of Interests

Councillors/Staff to give notice of any disclosable pecuniary interest, other registrable interest or any other interest and the nature of that interest relating to any item on the agenda in accordance with the adopted Code of Conduct.

4. Questions

To answer questions from members of the public – submitted in writing or by electronic mail no later than 5.00pm, 2 working days before the meeting.

5. Result of Knowledge Test Consultation (Pages 47 - 56)

To consider the consultation responses and decide whether to implement a knowledge test for hackney carriage and private hire drivers/applicants.

Licensing Committee Procedures (Pages 57 - 60)



Monitoring Officer

Date of Next Meeting:

**Wednesday 19 September 2018, 2.30 pm
Council Chamber, Allerdale House**

Agenda Item 1

At a meeting of the Licensing Panel held in Council Chamber - Allerdale House, Workington on Friday 19 January 2018 at 2.30 pm

Members

Councillor Peter Kendall (Chair)

Councillor Len Davies

Councillor Billy Miskelly

Councillor Malcolm Grainger

Councillor Bill Pegram

Staff Present

D Fletcher, K Magnay and J Morgan

303. Election of Chair

Councillor P Kendall was elected Chairman for the ensuing meeting.

304. Declaration of Interests

None received.

305. Questions

None received.

306. To consider an application for a Hackney Carriage Driver Licence

The Licensing and Compliance Officer submitted a report for the Licensing Panel to consider whether a person who had made an application for the grant of a Hackney Carriage Driver Licence was a fit and proper person to hold such a licence.

The applicant and his prospective employer were invited into the meeting.

The Licensing and Compliance Officer provided the Panel with details on the application.

The applicant had provided the following as part of the application:

- Disclosure and Barring Service (DBS) Certificate – the certificate contained information which fell within the Council's policy for convictions.
- DVLA driving licence – the licence contained no current penalty points.
- Doctors Medical dated 14 December 2017 – the doctor had signed the applicant as fit to drive a hackney carriage vehicle.

Checks on the following had been carried out as part of the process for an Enhanced Disclosure and Barring Service Certificate and no information was recorded against each part:

- Information from the list held under Section 142 of the Education Act 2002
- DBS Children's Barred List information
- DBS Adults' Barred List Information
- Other relevant information disclosed at the Chief Police Officer(s) discretion

The Licensing and Compliance Officer set out the key points for consideration as follows:

The Council's Statement of Policy Concerning the Relevance of Criminal Convictions Relating to the Determination of Application or Renewal for a Hackney Carriage/Private Hire Driver's Licence set out:

'16. ... if an applicant has any convictions, warnings, cautions or charges awaiting trial, the Council will look into:

- 16.1 how relevant the offence(s) are to the licence being applied for.
- 16.2 how serious the offence(s) were.
- 16.3 when the offence(s) were committed.
- 16.4 the date of conviction.
- 16.5 circumstances of the individual concerned
- 16.6 sentence imposed by the court.
- 16.7 whether they form part of a pattern of offending.
- 16.8 any other character check considered reasonable (e.g. personal references)
- 16.9 any other factors that might be relevant.'

'33. While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when period of time is more likely to give cause for concern than an isolated minor conviction...'

On the matter of drugs:

'40.1 A serious view shall be taken of convictions of this nature. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. An application with a conviction for a drug related offence should be required to show a period of at least 3 years free of convictions before an application is entertained.'

On the matter of dishonesty offences:

- '43.1 Hackney Carriage and Private Hire vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare, etc. Overseas visitors can be confused by the change in currency and become 'fair game' for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 3 years free of conviction should be required before entertaining an application.

The Licensing and Compliance Officer recommended that the licence be refused on the grounds that the applicant was not a fit and proper person to hold a licence. The information revealed on the applicant's DBS certificate showed there to be a pattern of dishonest offences and more recently a caution for drug possession.

The applicant gave representation on the application.

The applicant, the applicant's prospective employer and the Licensing and Compliance Officer left the meeting while the Panel considered the application.

The Licensing Panel considered the application, officer's report, representations made by the applicant and his employer, a letter provided to the panel by the applicant and advice from officers. The Panel also considered the relevant legislation and the Council's Statement of Policy Concerning the Relevance of Criminal Convictions Relating to the Determination of Application or Renewal for a Hackney Carriage/Private Hire Driver's Licence.

Councillor M Grainger proposed that the Licensing Panel grant the licence for a period of six months. This was seconded by Councillor P Kendall.

A vote was taken; 2 voted in favour of agreeing to grant the Hackney Carriage Driver's Licence for a period of six months and 2 voted against. 1 abstention.

The chair gave the casting vote making it 3 in favour.

The motion in favour of agreeing to grant the Hackney Carriage Driver's Licence for a period of six months was carried.

The applicant, the applicant's prospective employer and the Licensing and Compliance Officer returned to the meeting.

The applicant was informed of the Panel's decision and its reasons.

In accordance with our policy, the licensing panel takes this opportunity to issue a strict warning about your future conduct, particularly given your recent caution, and reminds you that we have enforcement powers which we will exercise in the event that it becomes necessary to do so.

The applicant was informed that, if aggrieved by the decision of the Council, he had a right of appeal to a magistrates' court within 21 days of receiving written notification of the decision.

Decision

Agree to grant the licence for a period of six months, after which the decision to continue to grant the licence would be delegated to the Licensing Officer should there be no further issues.

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

In making its decision, the Panel noted that the applicant's most recent conviction was 18 years ago, and that there was an isolated caution in 2016. The panel noted that the applicant had clearly shown remorse for his convictions. The panel also noted that the applicant had been made an offer of further employment conditional on the approval of the licence application and that the applicant had maintained a licence with the authority without incident between 2004 and 2010 and then again between 2015 and 2016.

Resolved

That it be agreed to grant the Hackney Carriage Driver's Licence for a period of six months.

307. To consider an application for a Hackney Carriage Driver Licence

The Licensing and Compliance Officer submitted a report for the Licensing Panel to consider whether a person who had made an application for the grant of a Hackney Carriage Driver Licence was a fit and proper person to hold such a licence.

The applicant was invited into the meeting.

The Licensing and Compliance Officer provided the Panel with details on the application.

The applicant had provided the following as part of the application:

- Disclosure and Barring Service (DBS) Certificate – the certificate contained information which fell within the Council's policy for convictions.
- DVLA driving licence – the licence contained no current penalty points.
- Doctor's Medical dated 1 August 2017 – the doctor had signed the applicant as fit to drive a hackney carriage vehicle.

Checks on the following had been carried out as part of the process for an Enhanced Disclosure and Barring Service Certificate and no information was recorded against each part:

- Information from the list held under Section 142 of the Education Act 2002
- DBS Children's Barred List information
- DBS Adults' Barred List Information
- Other relevant information disclosed at the Chief Police Officer(s) discretion

The Licensing and Compliance Officer set out the key points for consideration as follows:

The Council's Statement of Policy Concerning the Relevance of Criminal Convictions Relating to the Determination of Application or Renewal for a Hackney Carriage/Private Hire Driver's Licence set out:

- '16. ... if an applicant has any convictions, warnings, cautions or charges awaiting trial, the Council will look into:
- 16.1 how relevant the offence(s) are to the licence being applied for.
 - 16.2 how serious the offence(s) were.
 - 16.3 when the offence(s) were committed.
 - 16.4 the date of conviction.
 - 16.5 circumstances of the individual concerned
 - 16.6 sentence imposed by the court.
 - 16.7 whether they form part of a pattern of offending.
 - 16.8 any other character check considered reasonable (e.g. personal references)
 - 16.9 any other factors that might be relevant.'
- '33. While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when period of time is more likely to give cause for concern than an isolated minor conviction...'

On the matter of violence offences:

- '42.1 As Hackney Carriage and Private Hire vehicle drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

The Licensing and Compliance Officer recommended that the licence be refused on the grounds that the applicant was not a fit and proper person to hold a licence. The information revealed on the applicant's DBS certificate showed there to be a pattern of dishonest offences and more recently a caution for drug possession.

The applicant gave representation on the application.

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

The Licensing Panel considered the application, officer's report, representations made by the applicant and his employer, a letter provided to the panel and advice from officers. The Panel also considered the relevant legislation and the Council's Statement of Policy Concerning the Relevance of Criminal Convictions Relating to the Determination of Application or Renewal for a Hackney Carriage/Private Hire Driver's Licence.

Councillor B Miskelly proposed that the Licensing Panel grant the licence for a period of six months. This was seconded by Councillor B Pegram.

A vote was taken; the vote was unanimous in favour of agreeing to grant the Hackney Carriage Driver's Licence for a period of six months..

The motion in favour of agreeing to grant the Hackney Carriage Driver's Licence for a period of six months was carried.

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

The applicant was informed of the Panel's decision and its reasons.

In accordance with our policy, the licensing panel takes this opportunity to issue a strict warning about your future conduct, particularly given your recent caution, and reminds you that we have enforcement powers which we will exercise in the event that it becomes necessary to do so.

The applicant was informed that, if aggrieved by the decision of the Council, he had a right of appeal to a magistrates' court within 21 days of receiving written notification of the decision.

Decision

Agree to grant the licence for a period of six months, after which the decision to continue to grant the licence would be delegated to the Licensing Officer should there be no further issues.

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

In making its decision, the Panel noted that whilst the applicant had three violence convictions, the applicant's most recent conviction was 2009. The panel noted that the applicant had served in the army and that the applicant advised that no disciplinary action had been taken against him during that time. The panel noted that the applicant had clearly shown remorse for his convictions. The panel also considered the reference provided by the applicant's prospective employer.

Resolved

That it be agreed to grant the Hackney Carriage Driver's Licence for a period of six months.

308. To consider an application for a Hackney Carriage Driver Licence

The Licensing and Compliance Officer submitted a report for the Licensing Panel to consider whether a person who had made an application for the grant of a Hackney Carriage Driver Licence was a fit and proper person to hold such a licence.

The applicant was invited into the meeting.

The Licensing and Compliance Officer provided the Panel with details on the application.

The applicant had provided the following as part of the application:

- Disclosure and Barring Service (DBS) Certificate – the certificate contained information which fell within the Council's policy for convictions.
- DVLA driving licence – the licence contained three current penalty points.
- Doctors Medical dated 22 November 2017 – the doctor had signed the applicant as fit to drive a hackney carriage vehicle.

Checks on the following had been carried out as part of the process for an Enhanced Disclosure and Barring Service Certificate and no information was recorded against each part:

- Information from the list held under Section 142 of the Education Act 2002
- DBS Children's Barred List information
- DBS Adults' Barred List Information
- Other relevant information disclosed at the Chief Police Officer(s) discretion

The Licensing and Compliance Officer set out the key points for consideration as follows:

The Council's Statement of Policy Concerning the Relevance of Criminal Convictions Relating to the Determination of Application or Renewal for a Hackney Carriage/Private Hire Driver's Licence set out:

- '16. ... if an applicant has any convictions, warnings, cautions or charges awaiting trial, the Council will look into:

- 16.1 how relevant the offence(s) are to the licence being applied for.
- 16.2 how serious the offence(s) were.
- 16.3 when the offence(s) were committed.
- 16.4 the date of conviction.
- 16.5 circumstances of the individual concerned
- 16.6 sentence imposed by the court.
- 16.7 whether they form part of a pattern of offending.
- 16.8 any other character check considered reasonable (e.g. personal references)
- 16.9 any other factors that might be relevant.'

The Licensing and Compliance Officer recommended that the licence be refused on the grounds that the applicant was not a fit and proper person to hold a licence. The information revealed on the applicant's DBS certificate showed there to be a pattern of dishonest offences and more recently a caution for drug possession.

The applicant gave representation on the application.

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

The Licensing Panel considered the application, officer's report, representations made by the applicant and his employer, advice from officers. The Panel also considered the relevant legislation and the Council's Statement of Policy Concerning the Relevance of Criminal Convictions Relating to the Determination of Application or Renewal for a Hackney Carriage/Private Hire Driver's Licence.

Councillor B Pegram proposed that the Licensing Panel grant the licence for a period of six months. This was seconded by Councillor M Grainger.

A vote was taken; 4 voted in favour of agreeing to grant the Hackney Carriage Driver's Licence for a period of six months, 1 against.

The motion in favour of agreeing to grant the Hackney Carriage Driver's Licence for a period of six months was carried.

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

The applicant was informed of the Panel's decision and its reasons.

In accordance with our policy, the licensing panel takes this opportunity to issue a strict warning about your future conduct, particularly given your recent caution, and reminds you that we have enforcement powers which we will exercise in the event that it becomes necessary to do so.

The applicant was informed that, if aggrieved by the decision of the Council, he had a right of appeal to a magistrates' court within 21 days of receiving written notification of the decision.

Decision

Agree to grant the licence for a period of six months, after which the decision to continue to grant the licence would be delegated to the Licensing Officer should there be no further issues.

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

In making its decision, the Panel noted that the applicant had a number of serious convictions over a number of years. However, the Panel also took into consideration the fact that the applicant had previously appealed a decision to refuse his licence to the Magistrates' Court, that the applicant was successful in that appeal and that he then held a licence with the Authority, with an unblemished record between 2008 and 2013. The reason for the applicant's new application was that he had been caring for his daughter and wife in the meantime and that his previous licence lapsed. Since 2003, the applicant has had no further convictions, albeit the panel noted that he had received three penalty points since that licence was held.

Resolved

That it be agreed to grant the Hackney Carriage Driver's Licence for a period of six months.

309. To consider an application for a Hackney Carriage Driver Licence

Councillor B Pegram moved to defer this application due to the applicant not attending the meeting. Councillor M Grainger seconded this.

A vote was taken: a vote in favour of deferring the application was unanimous

Resolved

That the application be deferred.

The meeting closed at 4.35 pm

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At a meeting of the Licensing Committee held in Council Chamber - Allerdale House, Workington on Monday 5 February 2018 at 10.00 am

Members

Councillor Angela Kendall (Chair)
Councillor Len Davies
Councillor Peter Kendall
Councillor Bill Pegram

Councillor Christine Smith (Vice-Chair)
Councillor Hilary Harrington
Councillor Jacqueline Mounsey

Apologies for absence were received from Councillor Tony Annison, Councillor Malcolm Grainger, Councillor Frank Johnston, Councillor Billy Miskelly, Councillor Ron Munby, Councillor Stephen Stoddart, Councillor Janice Wood and Councillor Martin Wood

Staff Present

G Collinson, D Devine, D Fletcher, J Morgan and R Wilkinson

Also Present

J Ellis (Executive Member: Governance and People Resources)

326. Minutes

The minutes of the Licensing Committee meetings held on 16 November 2017 and 28 November 2017 and the minutes of the Licensing Panel meeting held on 6 December 2017 were signed as correct records.

327. Declaration of Interests

None declared.

328. Questions

None received.

329. Review of Application Criteria for Hackney Carriage and Private Hire

The Senior Licensing and Compliance Officer submitted a report which sought the Licensing Committee to consider the implementation of additional criteria to establish whether applicants for hackney carriage and private hire drivers' licences were fit and proper by:

- Commencing the procurement of a new driving assessment including the launch of a pilot scheme for a trial period of 6 months.
- Considering whether to commence a consultation with the trade and other parties determined as relevant regarding the introduction of a knowledge test.

- Implementing an intended use policy.
- Scoping out the work and cost associated with conducting an unmet demand survey to establish whether the number of hackney carriage vehicle licences issued should be limited.

Members agreed with the recommendations with the exception of the scoping work around limiting the number of hackney carriage vehicle licenses. They considered this work unnecessary.

P Kendall moved that the recommendations in the report be agreed, with the exception of scoping out the work and cost associated with undertaking an unmet demand survey. This was seconded by Councillor J Mounsey.

A vote was taken on the motion. The vote in favour was unanimous. The motion was carried.

Agreed

1. To commence the procurement of a new driving assessment immediately with an initial pilot period of six months for the following:
 - a) All applicants for the grant of a new hackney carriage or private hire drivers licence to be passed prior to grant of licence; and
 - b) All licence holders obtaining a licence since the suspension of the DVSA taxi assessment as per the minutes of the meeting of 29 September 2016 i.e. "All applicants for the grant of a new hackney carriage or private hire driver's licence must pass the required assessment to be selected in due course b Allerdale Borough Council within six months of the implementation date of the new assessment. Any licensed drivers appearing before the Licensing Panel with repeated traffic offences may be required to pass the relevant assessment selected.

Exemptions applicable to both a) and b) above if applicant fulfils the following criteria:

- a) Occupation as a Driving instructor;
- b) Occupation as Driving examiner;
- c) Persons holding a driving licence with the following categories entitling them to drive passenger carrying vehicles e.g. buses and coaches:

Category D - Entitlement to drive any bus with more than 8 passenger seats (with a trailer up to 750kg). (Note this does not include category D1)

Category D+E - Entitlement to drive D category vehicles with a trailer over 750kg

Both of these category holders must complete a Driver Certificate of Professional Competence. They must hold a Driver Qualification Card

which is valid for 5 years and is renewable subject to evidence that 35 hours of approved training courses has been completed. This is managed by the Driving Standards Agency.

D1 - Minibuses - Vehicles with no more than 16 passenger seats in addition to the driver and with a maximum length not exceeding 8 metres with a trailer up to 750kg.

D1+E Minibuses with trailers - Vehicles with no more than 16 passenger seats in addition to the driver and with a maximum length not exceeding 8 metres with a trailer over 750 kg, provided that the MAM of the combination formed does not exceed 12,000kg.

Note: For categories D1 and D1+E each applicant must be considered on an individual basis to ensure they fulfil all the criteria as some drivers will have the category on their DVSA licence as an acquired right and will not have taken the test or continuing driver competency.

2. To approve a consultation to seek views on the introduction of a knowledge test with the hackney and private hire trade and other relevant parties the Committee feels appropriate.
3. To implement an intended use policy.

The meeting closed at 10.50 am

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At a meeting of the Licensing Panel held in Council Chamber - Allerdale House, Workington on Friday 9 March 2018 at 2.30 pm

Members

Councillor Len Davies (Chair)
Councillor Billy Miskelly

Councillor Ron Munby

Apologies for absence were received from Councillor Tony Annison

Staff Present

D Devine, D Fletcher, J Morgan and R Wilkinson

391. Election of Chair

Councillor L Davies was elected Chairman for the ensuing meeting.

392. Declaration of Interests

None declared.

393. Questions

None received.

394. Application for a Premises Licence

The Licensing and Compliance Officer submitted a report for the Licensing Panel to consider an application for a new premises licence at the premises called Electric Soup, which was located at 2nd Floor, 41-45 Jane Street, Workington.

The applicant, designated premises supervisor and the applicant's representative were present at the meeting.

The applicant's representative had submitted a bundle of documents to the Licensing Panel at the meeting. The documents included a revised application.

The application had been modified following mediation. The following timings and activities were now proposed:

- Opening times:

Sunday to Thursday – 12:00 to 01:30

Friday and Saturday, Sunday preceding Bank Holiday, Monday, Thursday preceding Bank Holiday Friday, Christmas Eve, New Year's Eve, New Year's Day – 12:00 to 03:30

- Sale of alcohol:

Sunday to Thursday – 12:00 – 01:00

Friday and Saturday, Sunday preceding Bank Holiday, Monday, Thursday preceding Bank Holiday Friday, Christmas Eve, New Year's Eve, New Year's Day – 12:00 – 03:00
- Late night refreshment:

Sunday to Thursday – 23:00 to 01:00

Friday and Saturday, Sunday preceding Bank Holiday, Monday, Thursday preceding Bank Holiday Friday, Christmas Eve, New Year's Eve, New Year's Day – 23:00 to 03:00
- Live music:

Sunday to Thursday – 12:00 to 01:00

Friday and Saturday, Sunday preceding Bank Holiday, Monday, Thursday preceding Bank Holiday Friday, Christmas Eve, New Year's Eve, New Year's Day – 12:00 to 03:00
- Recorded music:

Sunday to Thursday – 12:00 to 01:00

Friday and Saturday, Sunday preceding Bank Holiday, Monday, Thursday preceding Bank Holiday Friday, Christmas Eve, New Year's Eve, New Year's Day – 12:00 to 03:00
- Performances of dance:

Sunday to Thursday – 12:00 to 01:00

Friday and Saturday, Sunday preceding Bank Holiday, Monday, Thursday preceding Bank Holiday Friday, Christmas Eve, New Year's Eve, New Year's Day – 12:00 to 03:00
- Anything of a similar description:

Sunday to Thursday – 12:00 to 01:00

Friday and Saturday, Sunday preceding Bank Holiday, Monday, Thursday preceding Bank Holiday Friday, Christmas Eve, New Year's Eve, New Year's Day – 12:00 to 03:00

The following interested parties had made representation on the application:

- Environmental Health – Following mediation this representation had been withdrawn.

- Cumbria Constabulary – Following mediation this representation had been withdrawn.
- Two relevant representations from interested parties – objecting to the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance.

The documents at the meeting also contained a copy of a judgement on a judicial review of a licensing decision made by the Wirral Magistrates' Court in the case of Daniel Thwaites vs Wirral Borough Magistrates' Court. The licensing decision related to an application for a premises licence. The applicant's representative made reference to this judgement in his representation at the meeting.

The applicant and designated premises supervisor also made representations at the meeting.

The applicant, designated premises supervisor, the applicant's representative, Licensing and Compliance Officer, Communications and Marketing Officer and the press left the meeting while the Panel considered the application.

Members considered the application, the information provided in the officer's report, the representations made by the applicant, the designated premises supervisor and the applicant's representative and letters of the interested parties, having regard to the four licensing objectives under the Licensing Act 2003.

Members sought to balance the interests of the licence holder and the interested parties and felt that it was reasonable and proportionate to grant the licence in accordance with the terms of the revised application as presented by the applicant's representative.

Councillor B Miskelly moved that the premises licence be granted. This was seconded by Councillor L Davies.

A vote was taken on the motion. The vote in favour of granting the licence was unanimous. The motion was carried.

In determining the application, the Panel considered the information provided by the applicant's representative regarding the presumption in favour of grant as per the case of Daniel Thwaites v Wirral Borough Magistrates' Court. The Panel did not consider that any evidence was presented to suggest that the application was contrary to the licensing objectives.

The Panel also noted that the responsible authorities had withdrawn their representations prior to the meeting due to successful mediation to amend the conditions which were now mutually agreeable.

The applicant, designated premises supervisor, the applicant's representative, Licensing and Compliance Officer, Communications and Marketing Officer and the press returned to the meeting.

The Licensing Panel informed those present of the decision it had taken and the reasons for the decision.

All parties were informed of their right to appeal to the Magistrates Court within 21 days of being notified of the licensing authority's determination of the application.

Decision

To grant the licence subject to the mandatory conditions and conditions included in the revised operating schedule.

Reasons for the Decision

The Panel made its decision having regard to the following:

- The licensing objectives:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm

Information provided in the Licensing and Compliance Officer's report

Representations made by the applicant, designated premises supervisor and the applicant's representative

Representations made by Environmental Health and Cumbria Constabulary which had been withdrawn

Representations made by interested parties

Information provided by the applicant's representative regarding the presumption in favour of grant as per the case of Daniel Thwaites v Wirral Borough Magistrates' Court.

Resolved

That the premises licence be granted for Electric Soup, 2nd Floor, 41-45 Jane Street, Workington.

The meeting closed at 3.25 pm

At a meeting of the Licensing Regulatory Panel held in Council Chamber - Allerdale House, Workington on Monday 19 March 2018 at 1.30 pm

Members

Councillor Angela Kendall (Chair)
Councillor Len Davies
Councillor Billy Miskelly

Councillor Hilary Harrington
Councillor Christine Smith

Staff Present

D Devine, D Fletcher and J Morgan

395. Election of Chair

Councillor A Kendall was elected Chair for the ensuing meeting.

396. Declaration of Interests

None declared.

397. Questions

None received.

The Chairman moved:

That under Section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they may involve the likely disclosure of exempt information as defined in paragraph 2 of part 1 of Schedule 12 (a) of the Act.

398. To consider an application for a Hackney Carriage Driver Licence

The Licensing and Compliance Officer informed the Licensing Panel that there was an error in the report. An application for a renewal of a private hire driver's licence had been made – not an application for a hackney carriage driver's licence.

The Licensing and Compliance Officer drew the Panel's attention to the relevant legislation for the grant of private hire vehicle licences – section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing and Compliance Officer sought the Licensing Panel to consider whether the applicant was a fit and proper person to hold a private hire driver's licence.

The applicant and his current employer were invited into the meeting.

The Licensing and Compliance Officer provided the Panel with details on the application.

The applicant's DVLA licence was verified as part of the application process. The licence was shown to contain 9 penalty points for speeding offences in 2016 and 2017.

The applicant had provided a Disclosure and Barring Service (DBS) Certificate as part of the application. The certificate showed no criminal conviction or caution information.

As an existing applicant, the applicant had completed the DSA Driving Assessment in 2015. He had also provided documentation in 2017 to prove his right to work in the UK and satisfied the requirements of the Immigration Act 2016.

The applicant had provided a completed medical form that signed him fit to drive a private hire vehicle.

The Licensing and Compliance Officer set out the key points for consideration.

Paragraph 16 of the Council's Statement of Policy Concerning the Relevance of Criminal Convictions Relating to the Determination of Application or Renewal for a Hackney Carriage/Private Hire Driver's Licence stated that if an applicant had any convictions, warnings, cautions or charges awaiting trial, the Council would look into:

- 16.1 how relevant the offence(s) were to the licence being applied for.
- 16.2 how serious the offence(s) were.
- 16.3 when the offence(s) were committed.
- 16.4 the date of conviction.
- 16.5 circumstances of the individual concerned.
- 16.6 sentence imposed by the court.
- 16.7 whether they formed part of a pattern of offending.
- 16.8 any other character check considered reasonable (e.g. personal references)
- 16.9 any other factors that might be relevant.

Paragraph 36.2 of the Council's policy on the relevance of criminal convictions stated that if an applicant had 8 or more current penalty points on their DVLA driving licence the application would be considered to determine his/her suitability.

The Licensing and Compliance Officer recommended that the Licensing Panel refuse the application on the grounds that the applicant was not a fit and proper person to hold a licence. The information revealed on the applicant's driving licence showed a pattern of speeding offences.

The applicant and his employer gave representation on the application.

The applicant, his employer and the Licensing and Compliance Officer left the meeting while the Panel considered the application.

The Licensing Panel considered the information provided by the Licensing and Compliance Officer, representations made by the applicant and his employer and advice from officers. The Panel also considered all relevant legislation and the Council's policy on the relevance of criminal convictions.

The Panel considered the options it could take with regard to the application, set out in the report.

Councillor H Harrington moved that the application be refused as per the officer's recommendation. This was seconded by Councillor B Miskelly.

A vote was taken. The vote in favour of refusal was unanimous.

The motion in favour of refusing to grant the private hire driver's licence was carried.

The applicant, his employer and the Licensing and Compliance Officer returned to the meeting.

The applicant was informed of the Panel's decision and the reasons for its decision.

The applicant was informed that he had a right to appeal the decision within 21 days of receiving the notice in writing.

Decision

To refuse to grant the private hire driver's licence.

Reasons for the Decision

The Panel made its decision having regard to the following:

- The application had come before the Panel as per the Council's policy on the relevance of criminal convictions, given that the applicant had nine current penalty points. The policy stated that an application must be referred to the Panel where an applicant had eight or more penalty points.
- The Licensing Panel's overriding objective was to protect the safety of the public. The Panel considered the pattern of speeding offences and the fact that the applicant had over eight penalty points. The Panel also noted that two of the offences were committed while carrying passengers as a private hire driver, which was an important consideration in making the decision.

Resolved

That the application for a private hire driver's licence be refused.

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

The Licensing and Compliance Officer submitted a report for the Licensing Panel to consider whether a person who had made an application for a private hire driver's licence was a fit and proper person to hold such a licence.

The applicant was invited into the meeting.

The Licensing and Compliance Officer provided the Panel with details on the application.

The applicant's DVLA driving licence was verified as part of the application process. The licence contained no current penalty points.

The applicant had provided a Disclosure and Barring Service (DBS) Certificate as part of the application. The certificate contained information which fell within the Council's policy on the relevance of criminal convictions.

The applicant had a current Certificate of Professional Competence which exempted him from having to retake the DVSA taxi assessment or replacement assessment.

The applicant had provided a completed medical form that signed him fit to drive a private hire vehicle.

The applicant had provided the relevant documents to prove his right to work in the UK.

The Licensing and Compliance Officer set out the key points for consideration.

The process for an Enhanced Disclosure and Barring Service Certificate also requested checks to be done on the following and no information was recorded against each part:

- (a) information from the list held under Section 142 of the Education Act 2002;
- (b) DBS Children's Barred List information;
- (c) DBS Adults' Barred List information; and
- (d) Other relevant information disclosed at the Chief Police Officer(s) discretion.

Paragraph 16 of the Council's Statement of Policy Concerning the Relevance of Criminal Convictions Relating to the Determination of Application or Renewal for a Hackney Carriage/Private Hire Driver's Licence stated that if an applicant had any convictions, warnings, cautions or charges awaiting trial, the Council would look into:

- 16.1 how relevant the offence(s) were to the licence being applied for.
- 16.2 how serious the offence(s) were.
- 16.3 when the offence(s) were committed.
- 16.4 the date of conviction.
- 16.5 circumstances of the individual concerned.

- 16.6 sentence imposed by the court.
- 16.7 whether they formed part of a pattern of offending.
- 16.8 any other character check considered reasonable (e.g. personal references)
- 16.9 any other factors that might be relevant.

The applicant's DBS Certificate contained information under the section for Police Records of Convictions, Cautions, Reprimands and Warnings.

The applicant's convictions fell under the category for violence offences. Paragraph 42.1 of the Council's policy on the relevance of criminal convictions stated that applicants should be free of conviction for at least three years before an application was entertained and even then a strict warning should be administered.

Paragraph 33 on the Council's policy on the relevance of criminal convictions stated that:

'While it is possible that an applicant may have a number of convictions that, individually, meet the [...] guidelines, the overall offending history must be considered when period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.'

The Licensing and Compliance Officer recommended that the Licensing Panel refuse the application on the grounds that the applicant was not a fit and proper person to hold a licence. The information revealed on the applicant's DBS certificate showed there to be a pattern of violence offences with the most recent conviction being in 2017.

The applicant gave representation on the application.

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

The Licensing Panel considered the information provided by the Licensing and Compliance Officer, the representations from the applicant and advice from officers. The Panel also considered all relevant legislation and the Council's policy on the relevance of criminal convictions.

The Panel considered the options it could take with regard to the application, set out in the report.

Councillor H Harrington moved that the application be refused as per the officer's recommendation. This was seconded by Councillor B Miskelly.

A vote was taken. The vote in favour of refusal was unanimous.

The motion in favour of refusing to grant the private hire driver's licence was carried.

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

The applicant was informed of the Panel's decision and the reasons for its decision.

The applicant was informed that he had a right to appeal the decision within 21 days of receiving the notice in writing.

Decision

To refuse to grant the private hire driver's licence.

Reasons for the Decision

The Panel made its decision having regard to the following:

- The Panel considered the applicant's overall offending history, as well as the fact that he applicant had a very recent conviction for a violence offence in 2017. Paragraph 42.1 of the Council's policy on the relevance of criminal convictions stated that at least three years free of convictions should be shown before an application was entertained. In addition, the policy stated at paragraph 33 that the overall offending history must be considered when period of time was more likely to give cause for concern than an isolated minor conviction.
- The Licensing Panel's overriding considerations were the protection of the public and the prevention of crime and disorder. All convictions were considered on their own merits. It was considered that the nature of the convictions revealed in the application showed a significant risk to the public, particularly due to the fact that the applicant had a recent offence, when considering the policy on the relevance of criminal convictions.

Resolved

That the application for a private hire driver's licence be refused.

The meeting closed at 3.22 pm

At a meeting of the Licensing Panel held in Leader's Office, Allerdale House, Workington on Monday 21 May 2018 at 3.30 pm

Members

Councillor Christine Smith (Chair)
Councillor Tony Annison

Councillor Jacqueline Mounsey

Staff Present

D Devine, D Fletcher, J Morgan and R Wilkinson

30. Election of Chair

Councillor C Smith was elected Chair for the ensuing meeting.

31. Declaration of Interests

None declared.

32. Questions

None received.

33. Standard Temporary Event Notice – Objection Notice

The Licensing and Compliance Officer submitted a report for the Licensing Panel to consider an objection notice which had been received in relation to a Temporary Event Notice (TEN). The person giving the TEN (the “premises user”) was Peter Mark Gilmour of 3 Meadow Vale, Seaton. The area covered by the TEN application already benefitted from a premises licence. The licence reference was PL0600 and was known as Rivendell (Nuts in May site), Stainburn Road, Workington.

The premises description was given as “. . . a marquee and alternative stage venue with access to toilet facilities and other essentials that make it suitable for the prescribed event”.

The nature of the event had been given as “. . . a two day music and performing arts event that is a showcase for Cumbrian talent. The event will offer limited camping facility”.

The premises user intended to carry out the following licensable activities at the premises:

- The sale by retail of alcohol
- The provision of regulated entertainment
- The provision of late night refreshment

The event was to be held on the following dates and times:

- Friday 25 May 2018 – 18.00 to 00.30
- Saturday 26 May 2018 – 12.30 to 00.00

Section 106A of the Licensing Act 2003 permitted licensing authorities to impose one or more conditions on a standard TEN if appropriate. Cumbria Constabulary and Environmental Health (“relevant persons” for the purpose of a TEN) were served a copy of the TEN in line with the requirements of the Act. The relevant persons had given objection notices to the TEN in response, as follows:

Environmental Health:

“Allerdale Environmental Health is objecting to the above TEN application for 25th-26th May as it is believed granting the licence would undermine the licensing objectives.

The adoption of the following conditions from the existing premises licence would satisfy concerns to facilitate this year’s event:

- Where regulated entertainment is provided by way of an in house PA system, management shall control such equipment to ensure nuisance is not caused.
- The licence holder or representative shall conduct regular assessments (hourly) of the noise coming from the festival site and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents.
- A written record shall be made of those assessments in a log book kept for that purpose and shall include the time and date of the checks, the person making them and the results including any remedial action. Three monitoring locations will be used and these are shown on the attached plan and they are:
 - (a) Near Tarn, Stainburn Road, Stainburn, Workington, CA14 1SZ
 - (b) Stainburn Hall Cottage, Stainburn Road, Stainburn, Workington, CA14 1SY
 - (c) Land next to 57 Riverside, Great Clifton, CA14 1TF
- A copy of these logs should be maintained and submitted to Environmental Health within seven days of the event.
- There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public (or members and their guests) notices pointing out the needs of local residents and the need to leave the premises and the area quietly (note: this may also include reference to vehicles).”

Cumbria Constabulary:

“Police wish to object to the application in order for some conditions on the Premises Licence for Rivendell to be added . . .”

Cumbria Constabulary included a list of preferred conditions consistent with the operating schedule of the Rivendell (Nuts in May) Premises Licence as follows, proposing that this amended list replace the original operating schedule:

1. The Festival will be run by a strong, experienced team who will communicate and work together to ensure the welfare and safety of everyone attending Nuts in May.
2. Festival crew, staff and stewards will be briefed prior to the event on festival safety procedures and policies.
3. We will have a rota of duty managers – experienced people who have a working knowledge of the festival and its procedures.
4. ~~SIA trained security.~~
5. Challenge 25 policy.
6. Drug and alcohol policy.
7. Campsite controls at night.
8. Steward/security hotline.
9. Radio Communication (with dedicated channels).
10. Public information leaflet on entry to the site.
11. Campsite illumination.
12. Secure Campsite.
13. Full site risk assessment, including fire/electrocution and emergency procedures (no camp fires – except communal fire pit).
14. Traffic Management Plan.
15. Full site access for emergency vehicles and emergency vehicle rendezvous point.
16. ~~Livestock will be removed from the camping fields at least 4 weeks prior to the event.~~
17. Cars parked separately from tents on flat ground.
18. Site illumination and emergency exit signs (illuminated).

19. ~~Rubber matter to prevent falls and assist vehicular movement.~~
20. Unsafe areas to be fenced off to prevent access.
21. Fire points and extinguishers around the site.
22. Hard pathways.
23. No camping under pylons.
24. Kite flying and Chinese lanterns.
25. SIA security and stewards.
26. ~~Medical staff and information on festival welfare (NHS advice).~~
27. Information tent.
28. Health, hygiene and fire safety certification from traders where applicable.
29. Well serviced, adequate and suitable toilets including disabled toilets.
30. Hard pathways for disabled people.
31. Clean, portable drinking water.
32. Tree integrity checks.
33. ~~Stage integrity checks.~~
34. Professional stewards at campsite exist (Gate D).
35. ~~Night time shuttle bus to Stainburn and Great Clifton.~~
36. ~~Campsite showers.~~
37. Noise control measures (compliance with the Noise Council Code of Practice).
38. Peaceful camping.
39. Community Liaison Officer (contact phone number has been delivered to everyone in Stainburn and Great Clifton).
40. Control of alcohol on festival site.
41. ~~Wierdigans late night acoustic session tent and communal fire pit.~~
42. Child Protection Policy.
43. ~~Dedicated children's arena with larger toilets for parental assistance.~~

44. Under 16's must be accompanied by adults.

The Licensing and Compliance Officer set out the following options available to the Licensing Panel:

- a) To allow the licensable activities to go ahead as stated in the TEN;
- b) To impose upon the TEN conditions attached to the premises licence, in accordance with the provisions of section 106A of the Licensing Act 2003; or
- c) To issue a counter notice under the provisions of section 105(2)(b) of the Act to prohibit the event taking place, together with a notice stating the reasons for the decision.

The meeting was closed to members of the public while the Licensing Panel considered the objection notices. The Licensing and Compliance Officer also left the meeting.

Councillor T Annison moved that the conditions contained in the Rivendell (Nuts in May) Premises Licence be imposed upon the Temporary Event Notice, in accordance with the provisions of section 106A of the Licensing Act 2003, with the following amendments:

- The 'Conditions Consistent with Operating Schedule' be amended as follows, removing points 4, 16, 19, 26, 33, 35, 36, 41 and 43 as proposed by Cumbria Constabulary:
 1. The Festival will be run by a strong, experienced team who will communicate and work together to ensure the welfare and safety of everyone attending Nuts in May.
 2. Festival crew, staff and stewards will be briefed prior to the event on festival safety procedures and policies.
 3. We will have a rota of duty managers – experienced people who have a working knowledge of the festival and its procedures.
 4. ~~SIA trained security.~~
 5. Challenge 25 policy.
 6. Drug and alcohol policy.
 7. Campsite controls at night.
 8. Steward/security hotline.
 9. Radio Communication (with dedicated channels).
 10. Public information leaflet on entry to the site.
 11. Campsite illumination.

12. Secure Campsite.
13. Full site risk assessment, including fire/electrocution and emergency procedures (no camp fires – except communal fire pit).
14. Traffic Management Plan.
15. Full site access for emergency vehicles and emergency vehicle rendezvous point.
- ~~16. Livestock will be removed from the camping fields at least 4 weeks prior to the event.~~
17. Cars parked separately from tents on flat ground.
18. Site illumination and emergency exit signs (illuminated).
- ~~19. Rubber matting to prevent falls and assist vehicular movement.~~
20. Unsafe areas to be fenced off to prevent access.
21. Fire points and extinguishers around the site.
22. Hard pathways.
23. No camping under pylons.
24. Kite flying and Chinese lanterns.
25. SIA security and stewards.
- ~~26. Medical staff and information on festival welfare (NHS advice).~~
27. Information tent.
28. Health, hygiene and fire safety certification from traders where applicable.
29. Well serviced, adequate and suitable toilets including disabled toilets.
30. Hard pathways for disabled people.
31. Clean, portable drinking water.
32. Tree integrity checks.
- ~~33. Stage integrity checks.~~
34. Professional stewards at campsite exist (Gate D).
- ~~35. Night time shuttle bus to Stainburn and Great Clifton.~~

- ~~36. Campsite showers.~~
37. Noise control measures (compliance with the Noise Council Code of Practice).
38. Peaceful camping.
39. Community Liaison Officer (contact phone number has been delivered to everyone in Stainburn and Great Clifton).
40. Control of alcohol on festival site.
- ~~41. Wierdigans late night acoustic session tent and communal fire pit.~~
42. Child Protection Policy.
- ~~43. Dedicated children's arena with larger toilets for parental assistance.~~
44. Under 16's must be accompanied by adults.
- Point 24 of the 'Conditions Consistent with Operating Schedule' be clarified to state that kite flying and Chinese lanterns not be permitted.
 - Replacement of the 'Conditions imposed by Environmental Health' with those proposed in the objection notice as follows:
 - Where regulated entertainment is provided by way of an in house PA system, management shall control such equipment to ensure nuisance is not caused.
 - The licence holder or representative shall conduct regular assessments (hourly) of the noise coming from the festival site and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents.
 - A written record shall be made of those assessments in a log book kept for that purpose and shall include the time and date of the checks, the person making them and the results including any remedial action. Three monitoring locations will be used and these are shown on the attached plan and they are:
 - (a) Near Tarn, Stainburn Road, Stainburn, Workington, CA14 1SZ
 - (b) Stainburn Hall Cottage, Stainburn Road, Stainburn, Workington, CA14 1SY
 - (c) Land next to 57 Riverside, Great Clifton, CA14 1TF
 - A copy of these logs should be maintained and submitted to Environmental Health within seven days of the event.

- There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public (or members and their guests) notices pointing out the needs of local residents and the need to leave the premises and the area quietly (note: this may also include reference to vehicles).

Councillor J Mounsey seconded the motion.

A vote was taken on the motion. The vote in favour of imposing the conditions upon the Temporary Event Notice was unanimous. The motion was carried.

The meeting was made open to members of the public while the Licensing Panel announced its decision. The Licensing and Compliance Officer returned to the meeting.

The Licensing Panel made it known that where the Authority decided not to give a counter-notice under section 105(3) of the Licensing Act 2003, a “relevant person” as specified in section 99A of the Act could appeal against that decision. An appeal had to be made to the magistrates’ court. However, no appeal could be brought later than five working days before the day on which the event period specified in the Temporary Event Notice began.

Decision

That the conditions contained in the Rivendell (Nuts in May) Premises Licence be imposed upon the Temporary Event Notice, in accordance with the provisions of section 106A of the Licensing Act 2003, subject to amendments.

Reasons for the Decision

In making its decision, the Licensing Panel had regard and gave appropriate weight to the following considerations:

- The objections and supporting information presented by all parties.
- Guidance issued under section 182 of the Licensing Act 2003.
- The Council’s Statement of Licensing Policy.
- The steps necessary to promote the licensing objectives.

Resolved

That the conditions contained in the Rivendell (Nuts in May) Premises Licence be imposed upon the Temporary Event Notice, in accordance with the provisions of section 106A of the Licensing Act 2003, with the following amendments:

- The ‘Conditions Consistent with Operating Schedule’ be amended as follows, removing points 4, 16, 19, 26, 33, 35, 36, 41 and 43 as proposed by Cumbria Constabulary:
 1. The Festival will be run by a strong, experienced team who will communicate and work together to ensure the welfare and safety of everyone attending Nuts in May.

2. Festival crew, staff and stewards will be briefed prior to the event on festival safety procedures and policies.
3. We will have a rota of duty managers – experienced people who have a working knowledge of the festival and its procedures.
4. ~~SIA trained security.~~
5. Challenge 25 policy.
6. Drug and alcohol policy.
7. Campsite controls at night.
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9. Radio Communication (with dedicated channels).
10. Public information leaflet on entry to the site.
11. Campsite illumination.
12. Secure Campsite.
13. Full site risk assessment, including fire/electrocution and emergency procedures (no camp fires – except communal fire pit).
14. Traffic Management Plan.
15. Full site access for emergency vehicles and emergency vehicle rendezvous point.
16. ~~Livestock will be removed from the camping fields at least 4 weeks prior to the event.~~
17. Cars parked separately from tents on flat ground.
18. Site illumination and emergency exit signs (illuminated).
19. ~~Rubber matting to prevent falls and assist vehicular movement.~~
20. Unsafe areas to be fenced off to prevent access.
21. Fire points and extinguishers around the site.
22. Hard pathways.
23. No camping under pylons.
24. Kite flying and Chinese lanterns.

25. SIA security and stewards.
 - ~~26. Medical staff and information on festival welfare (NHS advice).~~
 27. Information tent.
 28. Health, hygiene and fire safety certification from traders where applicable.
 29. Well serviced, adequate and suitable toilets including disabled toilets.
 30. Hard pathways for disabled people.
 31. Clean, portable drinking water.
 32. Tree integrity checks.
 - ~~33. Stage integrity checks.~~
 34. Professional stewards at campsite exist (Gate D).
 - ~~35. Night time shuttle bus to Stainburn and Great Clifton.~~
 - ~~36. Campsite showers.~~
 37. Noise control measures (compliance with the Noise Council Code of Practice).
 38. Peaceful camping.
 39. Community Liaison Officer (contact phone number has been delivered to everyone in Stainburn and Great Clifton).
 40. Control of alcohol on festival site.
 - ~~41. Wierdigans late night acoustic session tent and communal fire pit.~~
 42. Child Protection Policy.
 - ~~43. Dedicated children's arena with larger toilets for parental assistance.~~
 44. Under 16's must be accompanied by adults.
- Point 24 of the 'Conditions Consistent with Operating Schedule' be clarified to state that kite flying and Chinese lanterns not be permitted.
 - Replacement of the 'Conditions imposed by Environmental Health' with those proposed in the objection notice as follows:
 - Where regulated entertainment is provided by way of an in house PA system, management shall control such equipment to ensure nuisance is not caused.

- The licence holder or representative shall conduct regular assessments (hourly) of the noise coming from the festival site and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents.
- A written record shall be made of those assessments in a log book kept for that purpose and shall include the time and date of the checks, the person making them and the results including any remedial action. Three monitoring locations will be used and these are shown on the attached plan and they are:
 - (a) Near Tarn, Stainburn Road, Stainburn, Workington, CA14 1SZ
 - (b) Stainburn Hall Cottage, Stainburn Road, Stainburn, Workington, CA14 1SY
 - (c) Land next to 57 Riverside, Great Clifton, CA14 1TF
- A copy of these logs should be maintained and submitted to Environmental Health within seven days of the event.
- There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public (or members and their guests) notices pointing out the needs of local residents and the need to leave the premises and the area quietly (note: this may also include reference to vehicles).

The meeting closed at 4.10 pm

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At a meeting of the Licensing Regulatory Panel held in Council Chamber - Allerdale House, Workington on Monday 18 June 2018 at 2.00 pm

Members

Councillor Angela Kendall (Chair)

Councillor Mary Bainbridge

Councillor Jacqueline Mounsey

Councillor Hilary Harrington

Councillor Ron Munby

Apologies for absence were received from Councillor Billy Miskelly

Staff Present

B Carlin, D Devine and D Fletcher

57. Election of Chair

Councillor A Kendall was elected Chair for the ensuing meeting.

58. Declaration of Interests

None declared.

59. Questions

None received.

The Chair moved:

That under Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they may involve the likely disclosure of exempt information as defined in paragraph 1 of part 1 of Schedule 12A of the Act.

The Panel agreed:

That the following item be considered at the end of the agenda, as the applicant had not yet arrived for the meeting.

60. To consider an application for a Hackney Carriage Driver Licence

As the applicant was not present at the meeting, the Panel agreed that the application be deferred to a future meeting.

61. 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 had made an application for the grant of a Hackney Carriage Driver Licence was a fit and proper person to hold such a licence.

The applicant was invited into the meeting.

The Licensing and Compliance Officer provided the Panel with details on the application.

The applicant had provided the following as part of the application:

- Disclosure and Barring Service (DBS) Certificate – the certificate had no content which fell within the Council’s policy for convictions.
- DVLA driving licence – at the time of the application the licence contained 9 penalty points. At the time of the meeting, the licence contained 6 penalty points.
- Medical form – at the time of the application, the applicant had not provided a completed medical form. At the time of the meeting, the applicant had provided a medical form. However, the form was incomplete.

The Licensing and Compliance Officer set out the key points for consideration as follows:

The Council’s Statement of Policy Concerning the Relevance of Criminal Convictions Relating to the Determination of Application or Renewal for a Hackney Carriage/Private Hire Driver’s Licence set out:

‘Consideration of Disclosed Criminal History

16. . . . if an applicant has any convictions, warnings, cautions or charges awaiting trial, the Council will look into:

- 16.1 how relevant the offence(s) are to the licence being applied for.
- 16.2 how serious the offence(s) were.
- 16.3 when the offence(s) were committed.
- 16.4 the date of conviction.
- 16.5 circumstances of the individual concerned
- 16.6 sentence imposed by the court.
- 16.7 whether they form part of a pattern of offending.
- 16.8 any other character check considered reasonable (e.g. personal references)
- 16.9 any other factors that might be relevant.’

’36. Minor Traffic Offences

. . .

36.2 If an applicant has 8 or more current penalty points on their DVLA driving licence the application will be considered by the Licensing Panel to determine his/her suitability’

'37. Serious Road Traffic Offences

- 37.1 A serious view will be taken of serious road traffic offences. An isolated incident in the past will not necessarily stop a Private Hire or Hackney Carriage driver licence being granted provided he/she has been free of conviction for 3 years, however strict warning should be given as to future behaviour.'

The Licensing and Compliance Officer recommended that the licence be refused on the grounds that the applicant was not a fit and proper person to hold a licence. The information revealed on the applicant's driving licence showed 9 penalty points at the time of the application. At the time of the meeting, the driving licence contained 6 penalty points. The applicant was not able to demonstrate 3 years free of conviction.

The applicant gave representation on the application.

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

The Licensing Panel considered the application, officer's report, representations made by the applicant and advice from officers. The Panel also considered all relevant legislation and the Council's Statement of Policy Concerning the Relevance of Criminal Convictions Relating to the Determination of Application or Renewal for a Hackney Carriage/Private Hire Driver's Licence.

Councillor J Mounsey moved that the application for a driver's licence be refused, as per the officer's recommendation. This was seconded by Councillor R Munby.

A vote was taken; the vote in favour of refusing the licence was unanimous.

The motion in favour of refusing the licence was carried.

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

The applicant was informed of the Panel's decision and its reasons.

The applicant was informed that, if aggrieved by the decision of the Council, he had a right of appeal to a magistrates' court within 21 days of receiving written notification of the decision.

Decision/Reasons

To refuse to grant the Hackney Carriage Driver Licence.

The application had come before the Licensing Panel as per the Council's Statement of Policy Concerning the Relevance of Criminal Convictions Relating to the Determination of Application or Renewal for a Hackney Carriage/Private Hire Driver's Licence, given that he had 9 penalty points at the time of the

application. The policy stated that an application must be referred to the Panel where an applicant had 8 or more penalty points.

The overriding objective was to protect the safety of the public. The Panel had considered the pattern of speeding and serious road traffic offences, and the fact that the applicant had more than 8 penalty points.

The Panel also noted that the applicant indicated he had no intention of using his licence within the borough of Allerdale.

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

Resolved

That the application for a Hackney Carriage Driver Licence be refused.

62. 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 whether a person who had made an application for the grant of a Private Hire Driver Licence was a fit and proper person to hold such a licence.

The applicant and her prospective employer were invited into the meeting.

The Licensing and Compliance Officer provided the Panel with details on the application.

The applicant had provided the following as part of the application:

- Disclosure and Barring Service (DBS) certificate – the certificate contained information which fell within the Council's policy for convictions.
- DVLA driving licence – the licence contained no current penalty points but showed a disqualification mentioned in the DBS certificate.
- Medical form – the applicant had provided a completed medical form which signed her as fit to drive a private hire vehicle.

The process for an Enhanced Disclosure and Barring Service Certificate also requested checks to be done on the following and no information was recorded against each part:

- (a) Information from the list held under Section 142 of the Education Act 2002;
- (b) DBS Children's Barred List information;
- (c) DBS Adults' Barred List information; and
- (d) Other relevant information disclosed at the Chief Police Officer(s) discretion.

The Licensing and Compliance Officer set out the key points for consideration as follows:

The DBS certificate contained information under the section for Police Records of Convictions, Cautions, Reprimands and Warnings. Under the Rehabilitation of Offenders Act 1974 convictions became spent after a period of time specified in the chart attached as an appendix. However, the Rehabilitation of Offenders Act 1974 was exempt for licensing hackney carriage or private hire vehicle drivers and Members were entitled to take into consideration spent convictions when deciding whether the applicant was a fit and proper person to hold a driver's licence.

The Council's Statement of Policy Concerning the Relevance of Criminal Convictions Relating to the Determination of Application or Renewal for a Hackney Carriage/Private Hire Driver's Licence set out:

'Consideration of Disclosed Criminal History

16. . . . if an applicant has any convictions, warnings, cautions or charges awaiting trial, the Council will look into:
 - 16.1 how relevant the offence(s) are to the licence being applied for.
 - 16.2 how serious the offence(s) were.
 - 16.3 when the offence(s) were committed.
 - 16.4 the date of conviction.
 - 16.5 circumstances of the individual concerned
 - 16.6 sentence imposed by the court.
 - 16.7 whether they form part of a pattern of offending.
 - 16.8 any other character check considered reasonable (e.g. personal references)
 - 16.9 any other factors that might be relevant.'

'36. Minor Traffic Offences

- 36.1 Convictions for minor traffic offences should not prevent a person from proceeding with an application for a Private Hire or Hackney Carriage driver licence; however, an application containing multiple offences of this nature . . . will be considered in a more serious light.'

'38. Drink driving/driving under the influence of drugs

- 38.1 As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending.

38.2 . . . At least 3 years, after the restoration of the driving licence following a drink drive conviction should elapse before an application will be considered . . .’

The Licensing and Compliance Officer recommended that the licence be refused on the grounds that the applicant was not a fit and proper person to hold a licence. The information revealed on the applicant’s DBS certificate showed there to be a serious offence of driving a motor vehicle with excess alcohol. This offence was committed at the same time as being uninsured and whilst driving otherwise in accordance with a licence.

The applicant and her prospective employer gave representation on the application.

The applicant, her prospective employer and the Licensing and Compliance Officer left the meeting while the Panel considered the application.

The Licensing Panel considered the application, officer’s report, representations made by the applicant and her prospective employer and advice from officers. The Panel also considered all relevant legislation and the Council’s Statement of Policy Concerning the Relevance of Criminal Convictions Relating to the Determination of Application or Renewal for a Hackney Carriage/Private Hire Driver’s Licence.

Councillor H Harrington moved that the application for a driver’s licence be refused, as per the officer’s recommendation. This was seconded by Councillor R Munby.

A vote was taken; 2 voted in favour of refusing the licence, 2 voted against and 1 abstained. The Chair exercised her casting vote against the motion.

The motion in favour of refusing the licence was lost.

Councillor A Kendall moved that the application for a driver’s licence be granted. This was seconded by Councillor M Bainbridge.

A vote was taken; 2 voted in favour of granting the licence, 2 voted against and 1 abstained. The Chair exercised her casting vote in favour of the motion.

The motion in favour of granting the licence was carried.

The applicant, her prospective employer and the Licensing and Compliance Officer returned to the meeting.

The applicant was informed of the Panel’s decision and its reasons.

In accordance with the Council’s Statement of Policy Concerning the Relevance of Criminal Convictions Relating to the Determination of Application or Renewal for a Hackney Carriage/Private Hire Driver’s Licence, the Panel issued a strict warning to the applicant about her future conduct and reminded her the Council had enforcement powers which it would exercise in the event that it became necessary to do so.

The applicant was informed that, if aggrieved by the decision of the Council, she had a right of appeal to a magistrates' court within 21 days of receiving written notification of the decision.

Decision/Reasons

To grant the Private Hire Driver Licence.

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

In making its decision, the Panel noted that while the applicant had three motoring and traffic convictions, the most recent conviction was 2009. The Panel noted that the applicant had matured as a person and that she had clearly shown remorse for her convictions. The Panel also considered the comments made by the applicant's prospective employer.

Resolved

That the application for a Private Hire Driver Licence be granted.

The meeting closed at 3.20 pm

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Allerdale Borough Council

Licensing Committee – 4 July 2018

Result of Knowledge Test Consultation

The Reason for the Decision	To consider the views received from the consultation with the hackney carriage and private hire trade regarding the implementation of a knowledge test for all existing drivers and future applicants and decide whether a knowledge test should be introduced.
Summary of options considered	<ol style="list-style-type: none">1. To implement a knowledge test for new applicants to pass prior to a licence being issued and for existing drivers to pass within 12 months of implementation with no restrictions on the number of attempts; and either:<ol style="list-style-type: none">a) commence the procurement of an electronic knowledge test by an external company and, following procurement delegate the awarding of the contract to the Head of Governance in conjunction with the Chair of Licensing Committee orb) implement an in house knowledge test; or2. Take no further action regarding the introduction of a knowledge test.
Recommendation	<ol style="list-style-type: none">1. To implement a knowledge test for new applicants to pass prior to a licence being issued and for existing drivers to pass within 12 months of implementation with no restrictions on the number of attempts; and2. commence the procurement of an electronic knowledge test by an external company and, following procurement delegate the awarding of the contract to the Head of Governance in conjunction with the Chair of Licensing Committee ;
Financial / Resource Implications	<ol style="list-style-type: none">a) Implementing a knowledge test as part of the application process will increase financial burdens for applicants and current licence holders with initial set up costs for

Allerdale Borough Council;

- b) Introducing an in house knowledge test will have increased resource implications on staff in Governance to prepare, facilitate and administer the test.

Legal / Governance Implications	To ensure that sufficient criteria is in place to uphold the public safety duty of the Licensing Authority when assessing and determining that applicants for licences are fit and proper to hold a licence and that existing drivers remain so.
Community Safety Implications	To continue to assess the fitness, capability, safety and knowledge of applicants and licence holders.
Health and Safety and Risk Management Implications	Not to have provision for assessments in place may have consequences if the applicant is not a fit and proper person to hold a hackney carriage or private hire drivers' licence.
Equality Duty considered / Impact Assessment completed	No
Wards Affected	All
The contribution this decision would make to the Council's priorities	Enhancing our towns – enhancing our taxi licensing requirements would encourage a high quality of taxi service and result in thriving and vibrant towns; Creating a sustainable business –providing improved services to people and communities .
Is this a Key Decision	No
Portfolio Holder	Councillor Joan Ellis
Lead Officer	Gillian Collinson Senior Licensing and Compliance Officer 0303 123 1702 gillian.collinson@allerdale.gov.uk

Report Implications

Community Safety	Y	Employment (external to the Council)	Y
Financial	Y	Employment (internal)	N
Legal	Y	Partnership	N
Social Inclusion	N	Asset Management	N
Equality Duty	N	Health and Safety	N

Background papers: Appendix 1 – Summary of Knowledge Test Consultation

1.0 Introduction

- 1.1 The Licensing Committee has been informed of concerns regarding the suitability of applicants for taxi licences within the borough. As a result the Committee has reviewed the criteria to assess whether applicants are fit and proper persons to hold a licence. Part of that criteria is the reinstatement of a driving assessment which following the completion of the procurement process should start later this month.
- 1.2 This authority has experienced an increase in the number of applications for hackney carriage and private hire licences being submitted. Included in that increase are applications which have been submitted by persons whose fitness to hold a taxi drivers licence is questionable due to a lack of local knowledge, poor communication skills and concerns over their suitability.
- 1.3 To address these concerns the Licensing Committee considered the implementation of a knowledge test but first wished to seek views from the taxi trade and other relevant bodies. This report is to inform Members of a summary of the results of that consultation for consideration.

2.0 Background

- 2.1 The Local Government (Miscellaneous Provisions) Act 1976 (“the Act”) enables local authorities to administer licences for hackney carriage and private hire drivers. The Act provides that a local authority shall not grant a licence unless they are satisfied that the applicant is a “fit and proper” person to hold such a licence. There is no definition of the term “fit and proper” and the Council can apply any tests and checks it deems appropriate to establish this.
- 2.2 Section 57 of the Act grants local authorities the power to require applicants to submit information, stating:
- “A district council may require any applicant for a licence under the Act of 1847 or under this Part of this Act to submit to them such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.”

- 2.3 It is important that taxi and private hire drivers provide a safe and professional level of service to the public. As part of that, drivers licensed by the Council should be able to exhibit satisfactory driving ability, a sound knowledge of highway safety, the local area, routes and landmarks, numeracy, their licence requirements/policies and other important issues.
- 2.4 In addition, the licensing authority is required to ensure that levels of customer care, disability awareness and communication skills amongst drivers are satisfactory.

3.0 Knowledge Test

- 3.1 As legislation and cases evolve, it is becoming imperative that licence holders can demonstrate a knowledge and understanding of criteria including safeguarding, the highway code, knowledge of the local area and landmarks within the borough of Allerdale and its surrounding area, basic numeracy, disability discrimination, equality, diversity, other legislation and an understanding of their own responsibilities and licence conditions, byelaws and taxi legislation.
- 3.2 At present in Allerdale there is no way of establishing whether taxi drivers have this requisite knowledge. A number of other licensing authorities have introduced a knowledge test in order to resolve this.
- 3.3 It is not yet certain how the test would be administered. Officers have conducted research which reveals that a number of products and suppliers are available on the market. Additionally, officers have considered whether a test could be developed in-house by preparing a bank of multiple choice questions from which a selection is made. Some market engagement has taken place and there are some very interesting and effective external electronic knowledge systems which can be designed to include all the criteria included in paragraph 3.1. Using an external system has its benefits in that it would take away the significant resource required in Governance to arrange the appointments, take payment, prepare the paper question set, invigilate, mark the papers, prepare the follow up correspondence and retest arrangements if necessary. In addition questions would have to be reviewed regularly and questions papers revised. It would be an additional ongoing resource requirement. There are systems on the market which would alleviate most of the additional governance resource required and financially would require initial set up costs and assistance with questions. Systems have been viewed which generate random questions from a pool. They are designed to prevent fraud and do not require the installation of the system on Council IT systems. If members chose this option, a system would be selected using the Council's procurement process.
- 3.4 The consultation exercise took place between 16 May 2018 and 4 June 2018. All currently licensed drivers, vehicle proprietors and private hire operators were consulted and it was also published on the Council's website. The document gave a tick box option so the respondent could indicate which

category of persons they fell into. All respondents were members of the trade. A total number of 97 responses were received with 14 agreeing to the introduction of the test and 83 disagreeing. The responses have been examined and grouped into response types rather than individually listed, as many responses were similar, with any relevant comments extracted and attached at Appendix 1 which may assist with discussion.

- 3.5 The proposal would be to require all new applicants to pass the knowledge test prior to being granted a licence and for all existing drivers to undertake the knowledge test within 12 months of its implementation.

4.0 Conclusion

- 4.1 The purpose behind the consultation was to gather views about making the application procedure more robust in assessing whether a person is fit and proper to hold a licence. There were several responses which positively encouraged the implementation and could cite the benefits behind implementing such a scheme. The negative responses were very similar in nature. Whilst cost must be proportionate it should not be an overriding consideration when applying the fit and proper test. Many responses related to the use of modern technology which is a valid factor but the test would be designed to cover much more than routes and location. It is to cover the matters in paragraph 3.1. If introduced the criteria must apply to all candidates regardless of the nature or amount of work a driver does.

- 4.2 Following market research it has become apparent that the amount of resource by Governance staff would be significant to administer and continually update such an assessment which is not available. The systems available on the market make the implementation and continuation of such an assessment efficient and professional.

5.0 Recommendations

- 5.1 To implement a knowledge test for new applicants to pass prior to a licence being issued and for existing drivers to pass within 12 months of implementation with no restrictions on the number of attempts; and either:
- a) commence the procurement of an electronic knowledge test by an external company and, following procurement delegate the awarding of the contract to the Head of Governance in conjunction with the Chair of Licensing Committee or
 - b) implement an in house knowledge test; or
- 5.2 Take no further action regarding the introduction of a knowledge test.

Gillian Collinson
Senior Licensing & Compliance Officer

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Appendix 1

Summary of Consultation Responses

Further to the Licensing Committee asking for the views of the trade and other relevant parties to be obtained regarding the implementation of a knowledge test for the hackney and private hire trade, a consultation has taken place and the summary of responses is below.

The consultation question asked was:

“The Council wants to know your views on the introduction of a driver knowledge test for hackney carriage drivers and private hire drivers. The proposal is to require all new applicants to pass the knowledge test prior to being granted a licence and, for all existing drivers to pass the knowledge test within 12 months of the implementation date”

Yes Responses

The responses agreeing to the implementation of the test contained the following supporting statements:

“A knowledge test would be good because it would help to get a more professional service and would attract a more responsible type of person to the trade, maybe even attracting younger drivers”

“Far too many new drivers using satellite navigation for local destinations”

“The Council need knowledgeable taxi drivers for the safety of all passengers. Having the knowledge test would help and justify this. No passenger should feel unsafe with a driver who isn't from the local area or a driver who doesn't know the area”

“Only new drivers should take the test especially drivers from outside the area”

“To be a taxi driver/private hire driver it is essential to have the knowledge of the area – particularly now as the Lake District is a World Heritage site. From my experience visitors are seeking out the less honey pot areas and want the more secluded parts. Local knowledge is essential. Relying on sat nav is not the answer”

“The test should be set in the area that you operate from”

“This will give an enhanced service to users/customers. Concerns are that I would have not a good knowledge of other communities in the borough which I rarely service”

“The knowledge test would provide a better service and the drivers would have a better understanding of the area” (Comments then went on to suggest how the test could be formulated)

“To make sure all customers pay as little as possible”

“For better services and safety of the public”

No Responses

Many responses appeared to be based on the perception that a knowledge test is to assess the knowledge of the geographical area only. The responses often covered mixed justifications but the main ones have been broken down as follows:

Cost – Many responses were based round existing drivers having already paid for the documents required to obtain a drivers licence and vehicle licence and feeling this is an extra expense which will increase over time. It is unfair for existing drivers having spent the money already on so many documents whereas a new driver could pay for this first and pass and then spend money on the rest of the requirements. One suggestion was that anyone who has held a licence for more than 5 years should qualify for grandfather rights. It is already a long and costly enough process to obtain a licence. Some felt it is irrelevant for badge holders to take it now who have not needed to in the past, that it's a scam to make money from the trade and they pay enough to get licensed.

Officer response – the candidate would have to pay the cost of sitting the test. This is yet to be determined based on the system selected. The proposal at present is that the candidate sits the test once. There is no provision for a refresher test periodically but that is subject to Members decision. There is also no provision for how many times a candidate is allowed to take the test. Some authorities stipulate the number of times it can be taken and not allow it to be taken for 12 months. It is felt inappropriate to restrict the number of times allowed to take the test. If an existing driver has not passed the test during the 12 month transitional period there are licensing penalties they would face.

Exemption for existing drivers – many responses thought existing drivers should be allowed to continue without the need for an extra test but that it would have positive benefits for new drivers particularly ones new to the area. It should be for all those who apply in future and don't currently have a licence.

Officer response – Members have already indicated they wish all drivers to pass the test if implemented. The purpose of the test is to introduce further criteria to ensure that all licensed drivers are fit and proper to hold a licence not just new drivers.

Satellite Navigation – the bulk of the responses referred to the benefits of this technology such as using the shortest routes, drivers not having to memorise routes when the technology will always be up to date. A memorised route may be different, longer or wrong. The area covered by some people are villages, farms or areas in outlying areas not street names so sat nav is a wonderful thing. Modern satellite technology makes the knowledge test obsolete. Some felt it was not necessary this day and age with a google voice direction application or sat nav fitted in the car. Some responses referred to sat nav being part of the driving test now.

Officer response – Whilst there is obviously an increased use of satellite navigation systems, the proposed test would cover more criteria than routes and how to get to locations. This is not the only part of the test.

Booking systems – Application based bookings and despatch inclusive of maps makes the test pointless. The distinction between hackney and private hire needs more clarity and observation. As more apps roll out the difference is becoming more blurred. Uber will not go away and there will be more.

Officer response – The test will not be restricted to routes

Geographical area – Allerdale is a vast area and people tend to work in exclusive areas. If introduced it should be based on where the driver proposes to work from. Allerdale is too big an area to do a knowledge test on.

Officer response – It is not viable to have different tests based on the geographical area where a driver works. The test will be more general and will concentrate on landmarks round the Borough and main roads, not street names in towns. A licensed driver may choose where they wish to work but in reality a driver is licensed for the whole of the Allerdale area not just a single town or location.

Contract work – Several responses were received from drivers who only do contract work or airport work who felt having a knowledge test was unnecessary. The test would not be relevant to the type of work those individuals do and may reduce the number of drivers available.

Officer response – The knowledge test is to cover more than routes and directions

Local work – Cumbria is a large county and some drivers just do local runs. Preparation can be done before hand to find the correct route if going somewhere not familiar with. Some visitors provide the address and postcode and a map to show the driver.

Officer response – The knowledge test is to cover more than routes and directions

Part time drivers – Can use sat nav if unsure of where to go.

Officer response – Being satisfied that a person is fit and proper to hold a licence applies to all drivers licensed whatever the nature or duration of their work

Medical Conditions – Response relating to the difficulty of doing the test due to conditions such as dyslexia.

Officer response – Individual circumstances would always be considered and the relevant assistance given

Alternative training suggestion – for minibus drivers to do MIDAS training. Very informative and useful and more valuable to increase awareness of safety issues

Cap on drivers – Suggestion that this would be more effective than a test.

Officer response – Not legally allowed

Recruitment of drivers – is already difficult without putting more hurdles in place. There would be insufficient drivers to effectively service the customer demand. Knowledge comes with experience.

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Allerdale Borough Council

Procedure at Licensing Meetings

Once the Chair has moved the exemption paragraph the press and public will leave the room

Procedure

Step 1

The Chair will ask those present to introduce themselves and explain the procedure to be followed.

Step 2

The Chair will ask the author of the report (or their substitute) to outline the proposal and the background to the case. Their role will be to provide factual information to the committee.

The Chair invites members of the committee to ask the presenting officer any questions they may have about the application.

Step 3

The Chair invites Councillor(s) attending under Procedural Rule 4.31.2 to come forward and present objection(s).

- Each Councillor is permitted 10 minutes
- The Chair asks if Members of the Committee have any questions to ask the Councillor(s)
- The Councillor(s) return to the public area.

Step 4

The Chair invites applicant or the applicant's representative to make representations. The applicant/applicants representative is permitted 10 minutes

- The Chair asks if any member of the committee/officers present have any questions to ask the applicant/applicants representative

Step 5

The Chair invites any party making representations (including any other persons who have been given permission to participate) (if any) to present their comment(s).

- The Chair asked if any member of the committee have any questions to ask any party making representations

Step 6

The Chair offers the applicant/applicants representative the final opportunity to address the Committee. The applicant/applicants representative is permitted 10 minutes.

Step 7

The Chair will ask the parties to withdraw so that the committee can consider its determination. In considering its determination, the Committee may seek advice from its Legal Adviser.

Step 8

The parties will be re-called and informed of the Committees decision.

- Applicant to be advised that the decision will be confirmed in writing within 7 days.
- Applicant to be advised of any appeal procedure.

All parties will leave swiftly prior to the next case.

Allerdale Borough Council
Procedure at Licensing Meetings
Policy Formulation

Procedure

Step 1

The Chair will explain the procedure to be followed.

Step 2

The Chair will ask the presenting officer (or their substitute) to outline the proposal and the background to the case. Their role will be to provide factual information to the committee.

The Chair invites members of the committee to ask the presenting officer any questions they may have about the policy.

Step 3

The Chair invites Councillor(s) attending under Procedural Rule 4.31.2 to come forward and make representations

- Each Councillor is permitted 10 minutes
- The Chair asks if Members of the Committee have any questions to ask the Councillor(s)
- The Councillor(s) return to the public area.

Step 4

The Chair invites any party making representations (if any) to present their comment(s).

- The Chair to ask if any member of the committee has any questions to ask any party making representations.

Step 5

The committee will consider the policy. In considering the policy, the Committee may seek advice from its Legal Adviser.

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