

At a meeting of the Licensing Committee held in Council Chamber - Allerdale House, Workington on Wednesday 11 September 2019 at 2.30 pm

Members

Councillor Ron Munby MBE (Chair)
Councillor Mary Bainbridge
Councillor Peter Gaston
Councillor Elaine Lynch
Councillor Will Wilkinson

Councillor Adrian Kirkbride (Vice-Chair)
Councillor Allan Daniels
Councillor Sally Lansbury
Councillor Alan Smith

Apologies for absence were received from Councillor Carmel Bell, Councillor Malcolm Grainger, Councillor Daniel Horsley, Councillor Peter Kendall, Councillor Owen Martin and Councillor Lynda Williams

Staff Present

I Brogden, G Collinson, L Jardine and J Morgan

143. Minutes

The minutes of the following meetings were signed as a correct record

Licensing Committee held on 20 March 2019

Licensing Panels held on 15 February 2019 and 27 June 2019

Licensing Regulatory Panels held on 15 February 2019, 15 March 2019 and 27 June 2019.

144. Declaration of Interests

None declared

145. Questions

None received

146. Licensing of Trishaws

The Senior Licensing and Compliance Officer submitted a report which sought members' approval to consider whether electric trishaws should, in principle, be licensed as hackney carriage vehicles.

The Senior Licensing Officer then went through the report, advising the application has come to panel as current conditions for Hackney Carriage Vehicles and Drivers are not tailored to Trishaws. The officer also explained that the Licensing Authority had been approached by a charitable organisation that wants to offer free and chargeable Trishaw rides in the Keswick area. The officer also clarified that the licence is required to enable the collection of a fee.

Members asked questions of the officer in relation to safety and the speeds of Trishaws, and expressed concerns that the introduction of Trishaws could create further traffic issues in the Keswick area.

Councillor Lansbury entered the meeting.

Members then heard representations from Amy's Care, the charitable organisation which had approached the Licensing Authority about the licensing of trishaws.

The representative from Amy's Care provided members with a brief history of Trishaws and of Amy's Care. She advised that the intention is to generate income from hiring out the Trishaws and that this money would be reinvested into the charity.

The representative went on to advise that Trishaws offer the opportunity for those with restricted mobility to experience the outdoors, advising that the Trishaws are able to accommodate wheelchair users.

In relation to the proposed route of the Trishaw, the representative advised that Amy's Care has support from local businesses in relation to potential 'Trishaw Stops' and that a mobile phone app would be introduced to assist potential customers.

Members then asked questions of the representative. In response, the representative advised that no routes have been planned but reiterated the support from local businesses. She also clarified that driver licences are not required to operate a Trishaw, and that all operators would be unpaid volunteers.

Debate ensued and members agreed that the idea was promising but had concerns over the potential for a number of Trishaw operators ascending on Keswick and other areas of Allerdale from outside the Borough.

In response to the points raised by members, the Senior Licensing and Compliance Officer clarified that conditions can be added to the Trishaw Licence and that all options and potential issued could be explored during a consultation period.

Councillor Smith then moved the motion to approve in principle the licensing of electric trishaws in the Allerdale area as hackney carriage vehicles; To agree a period of consultation to formulate pre-application requirements and conditions to be attached to the relevant licences, before the scheme could be implemented.

The Motion was seconded by Councillor Gaston.

A vote was taken on the motion to approve the recommendations, 8 voted in favour, 0 against and 0 abstentions.

Agreed

Members approved the officer's recommendations as follows;

a) To approve in principle the licensing of electric trishaws in the Allerdale area as hackney carriage vehicles;

b) To agree a period of consultation to formulate pre-application requirements and conditions to be attached to the relevant licences, before the scheme could be implemented.

147. Determining Suitability of Applicants and Licencees in Hackney/Private Hire Trade

The Senior Licensing and Compliance Officer submitted a report which sought member's approval to address a number of pre-application requirements. This was following a review of the current policies in line with new guidance published by the Institute of Licensing.

Members asked questions in relation to DBS checks, and the time it takes to obtain the necessary response. Clarification was provided by Senior Licensing and Compliance Officer who explained the procedure of obtaining DBS and that only a basic disclosure is required.

The Legal and Licensing Manager then explained how the fraud database would work in partnership with other departments.

Councillor Lynch moved the motion to accept and approve all the officers' recommendations; this was seconded by Councillor Wilkinson

A vote was taken on the motion to approve the recommendations, 9 voted in favour, 0 against and 0 abstentions.

Agreed

Members approved the officer's recommendations as follows;

Private Hire Operators

a) That the provision of a basic Disclosure and Barring Service (DBS) certificate, to be no more than 28 days old at grant/renewal of licence; and

b) To provide written details of the Private Hire Operator's vetting procedures for their staff, to be provided at the grant/renewal of licence and to be notified within the licence duration if changes to the procedure are made

Hackney Carriage /Private Hire Drivers

a) To amend the current requirement for an enhanced Disclosure and Barring Service (DBS) certificate in the following terms:

i) An enhanced DBS certificate is required which is no more than 28 days old at grant/renewal of licence which has been carried out for the correct workforce required for taxi driving; and

ii) The applicant/driver must subscribe to the DBS update service throughout the duration of their licence; and

b) Persons who have not been resident within the United Kingdom for the five years prior to submitting an application, will be required to produce a certificate of good character or equivalent document (at their own cost) issued by the relevant Embassy or High Commission. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. In the event that an applicant is not able to obtain a certificate of good character, they may submit a statutory declaration with regard to their conduct, which must be completed in the presence of a practising solicitor. Application must be made to the relevant country or the relevant embassy in the UK.

The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided. Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the GOV.UK website; and

c) Applicants who have spent six continuous months or more living outside the United Kingdom, during the period of their licence, will be required to produce a certificate of good character or equivalent document at their own cost. This certificate must be issued by the relevant Embassy or High Commission for the country or countries lived in during this period and meet the requirements as set out above.

d) Check on the National Anti-Fraud Network database on refusals and revocations of hackney carriage and private hire licences (when available);

Review of Previous Conviction Policy

a) To adopt the criteria issued by the Institute of Licensing relating to the suitability for determining whether an individual should be granted or retain a hackney/private hire driver's licence or private hire operator's licence contained within appendix 1 attached to this report

The meeting closed at 4.20 pm