

At a meeting of the Licensing Regulatory Panel held in Zoom Virtual Meeting on Friday 14 August 2020 at 1.00 pm

Members

Councillor Peter Gaston
Councillor Peter Kendall
Councillor Will Wilkinson

Councillor Malcolm Grainger
Councillor Elaine Lynch

Staff Present

C Fleming, D Fletcher, L Jardine and L Tomlinson

91. Election of Chair

Councillor Grainger was elected as Chair for the ensuing meeting.

92. Declaration of Interests

None declared

93. 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.

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

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

The applicant attended the virtual meeting via phone.

The Licensing and Compliance Officer delivered the report to the panel.

The applicant has been a licensed driver with Allerdale Borough Council since 24 June 2009.

The applicant has seven penalty points from two speeding offences. Under the policy applications with seven or more penalty points cannot be determined by officers, as such the application must be considered by the Licensing Panel.

The applicant has a Certificate of Professional Competence which allows them to drive larger category public service vehicles. The certificate has been in place since 2 May 2019.

The applicant submitted a Disclosure and Barring Service check dated 17 March 2020. This revealed information regarding convictions between 1998 and 2003. As convictions are over 17 years old, they are for information only as they are within the policy.

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

Following questions from members, clarity was provided over the applicants DVLA driving record and the changes in policies.

The applicant then provided their representations, they advised that of the seven points, four of these points would be removed in 20 days, the applicant also explained that they thought the limit was eight points. In relation to the speeding offences the applicant advised that they were only a few miles per hour over the speed limit.

The applicant then went on to advise the panel that they are now a safe driver that currently holds a public service driving licence.

Members then asked questions of the applicant in relation to his speeding convictions, the applicant advised that the earliest offence was for driving more than the speed limit on the motorway, but within roadworks. The applicant explained that to try and prove he did not exceed the limit on the motorway, he sent the DVLA his tracker from his vehicle. The latest offence was when the applicant was driving from a 60mph zone into a 40mph zone and did not slow down enough and was caught at approx. 3mph over the speed limit.

The applicant also confirmed that on both occasions of speeding, they were driving their personal vehicle.

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

Members considered the application, the applicant representations and the officer's report. The Panel also considered the relevant legislation and the Council's policies on hackney carriage licence applications.

Councillor Lynch moved the motion to grant the Hackney Carriage driver licence

This was seconded by Councillor Gaston

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

The motion was carried.

Decision/Reasons

The Licensing Regulatory Panel considered the application, the officer's report, and the applicants' representations. The Panel also considered the relevant legislation and the Council's policies on Hackney Carriage and Private Hire Vehicle driver licence applications.

The Panel decided to grant delegated authority to the Licensing and Compliance Officer to grant the licence on the basis that it was satisfied that the applicant is a fit and proper person to hold a driver's licence under section 51(1) and section 59(1) of the Local Government (Miscellaneous Provisions) Act 1976 respectively.

This decision was not something the panel took lightly, and the panel took the opportunity to remind the applicant that speed limits are imposed not only for their safety, but other road users and passengers.

The Panel made the decision on the basis that the offence committed in 2017 is soon to lapse and the points will be removed from the applicant's licence. The panel were also reasonably satisfied that these were minor offences and were not committed while the applicant was driving in professional capacity.

The applicant was advised that if they are aggrieved by the decision of the Panel, they can appeal to the Magistrates' Court within 21 days of the decision.

The meeting closed at 2.50 pm