

At a meeting of the Licensing Regulatory Panel held in Zoom Virtual Meeting on Tuesday 9 March 2021 at 2.00 pm

Members

Councillor Allan Daniels
Councillor Malcolm Grainger
Councillor Elaine Lynch

Councillor Peter Gaston
Councillor Peter Kendall

Apologies for absence were received from

Staff Present

D Fletcher, L Jardine and J Morgan

360. Election of Chair

Councillor Daniels was elected Chair for the ensuing meeting.

361. Declaration of Interests

None declared

362. 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.

363. To consider an application to grant a Private Hire 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 private hire driver's licence is a fit and proper person to hold such a licence.

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

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

The applicant was a licensed driver with Allerdale Borough Council since 15 December 2014. The applicants licence expired on 19 December 2020.

The application made an application to renew the private hire drivers licence on 4 December 2020 but was not able to provide a new DSB certificate in time to have the application renewed.

Members were advised that the reason for the delay was that the applicant only applied for the basic DBS check not the enhanced DBS that was required. The enhanced DBS check was received on 22 February 2021, which was outside the 28-day period for renewal. The DBS check did not reveal any conviction information.

Members asked questions of the officer in relation to the circumstances surrounding the delay.

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

Councillor Kendall moved the motion to grant the Private Hire Licence.

The motion was seconded by Councillor Grainger

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

The motion was carried.

Decision/Reasons

The Licensing Panel has considered the application, the officer's report, and advice from officers. The Panel has also considered the relevant legislation as outlined in the report.

The licensing panel decided to:

Agree to grant the licence for a period of 12 months, after which the decision to continue to do so will be delegated to the Licensing Officer should there be no further issues.

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

In making its decision, the Panel noted that an error had been made in the type of DBS check applied for, however acknowledged that this was an oversight on the applicant's part. There was however no information contained in the subsequent enhanced DBS check, or any of the other documents submitted with the application which caused concern in respect of protecting the safety of the public.

If the applicant is aggrieved by the decision, they have the right to appeal to the Magistrates Court within 21 days of receiving written notification of the decision.

The meeting closed at 2.30 pm