



Summons to Meeting

Thursday 4 November 2021

Licensing Regulatory Panel

Friday 12 November 2021, 2.00 pm

Council Chamber, Allerdale House

Membership:

Councillor Nicky Cockburn
Councillor Hilary Harrington
Councillor Ron Munby MBE

Councillor Allan Daniels
Councillor Elaine Lynch

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

Agenda

1. Election of Chair

To elect a Chair for the ensuing meeting.

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 on a working day, allowing two clear working days before the day of the meeting.



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The Chairman will move:

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 paragraphs 1 and 2 of part 1 of Schedule 12A of the Act.

5. To consider an application for a Hackney Carriage Vehicle (Pages 3 - 6)

6. To consider an application for a Private Hire Vehicle (Pages 7 - 10)

7. To consider an application for a Private Hire Vehicle (Pages 11 - 14)

Appendix A to Agenda Items - Vehicle Age Policy (Pages 15 - 18)

Procedure at Licensing Panel (Pages 19 - 20)



Chief Executive

Date of Next Meeting:

**Friday 10 December 2021, 2.00 pm
Council Chamber, Allerdale House**

Agenda Item 5

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

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Agenda Item 6

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

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Introduction

The purpose of this policy is to ensure all hackney carriages and private hire vehicles operating in the borough are in exceptional condition and remain safe for the use of the general public.

1. No vehicle will be licensed as a hackney carriage or private hire vehicle if it is four years of age or older at date of application.
2. However, once licensed a vehicle can continue to be licensed beyond the age of four years providing it complies with the conditions set out below.

Conditions

3. The following conditions have been designed to assist an applicant to decide whether their vehicle is in exceptional condition and safe for the use of the general public:

The vehicle must have:

- 3.1 a full service history from the applicant's date of purchase of the vehicle in accordance with the manufacturer's service schedule and/or supporting documentation evidencing a regular, preventative maintenance schedule. This can be in the form of a stamped service history book or invoices but the vehicle registration number, date of the works and contact information of the party which carried out the works must be stated on any invoice. Producing invoices to show repair work will not be sufficient, they must show regular servicing.
- 3.2 no rust, significant dents or significant scratches. This is obviously open to individual interpretation and each case will be considered on its own merits.
- 3.3 an excellent interior which is safe, clean and free of holes, tears and wear and tear.
- 3.4 undergone an independent engineer's, AA or RAC inspection at the applicant's own cost who must submit the report to the Council. Reports are acceptable from an engineer fitting the following criteria:
 - A minimum of 3 years' experience in the motor trade
 - Membership to a Professional Body associated with the trade
 - One of the following qualifications:
 - Institute of Road Transport Engineers Accreditation (IRTE)
 - Higher National Certificate or Diploma (HNC or HND) in Motor Vehicle
 - City & Guilds Level 3 in Motor Engineering
 - NVQ Level 3 in Motor Vehicle Engineering
 - Institute of the Motor Industry Accredited (ATA/AMA)
 - Incorporated Engineer (I.Eng)

- Full Member or Associate of the Institute of the Automotive Engineer Assessors (IAEA)

Once Licenced

4. Once licenced any vehicle aged 4 or older is required to pass a test again 6 months after the licence is granted (or as close to six months as is reasonably practicable) at the Council's appointed testing station. Failure to comply with this requirement will lead to the immediate revocation or refusal to renew the vehicle licence.
5. Upon every renewal, the above conditions must be satisfied and evidenced prior to the expiry of the licence; should the expiry date pass without the completion of a successful renewal then a new application would be required. This means the vehicle could not be used as a hackney carriage or for private hire until a new licence has been granted by the Licensing Authority.

It is recommended that before proceeding with an application you contact either the Licensing Team or the Council's appointed testing station for clarification on any of the above points.

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Allerdale Borough Council

Revised Procedure at Licensing Panel Meetings

April 2014

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 panel.

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

Step 3

The Chair invites the applicant or the applicant's representative to address the panel on the merits of their application. The applicant or the applicant's representative is permitted a maximum of 10 minutes. In the case of review applications all speakers are permitted an equal amount of time.

The Chair asks if any member of the panel/officers present have any questions to ask the applicant or the applicant's representative.

Step 4

The Chair invites any party making representations (including any other persons who have been given permission to participate (if any) to present their comments(s). This may include Councillors who have submitted written representations on the application within the requisite timescale.

The Chair asks if any members of the panel have any questions to ask any party making representations.

Step 5

The Chair offers the applicant or the applicant's representative the final opportunity to address the panel. The applicant or the applicant's representative is permitted a maximum of 10 minutes. In the case of a review application all speakers will be allowed an equal amount of time.

Step 6

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

Step 7

The parties will be re-called and informed of the Panel's decision.

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

All parties will leave swiftly prior to the next case.