

At a meeting of the Licensing Regulatory Panel held in Council Chamber, Allerdale House on Friday 14 January 2022 at 2.00 pm

Members

Councillor Nicky Cockburn
Councillor Adrian Kirkbride
Councillor Alan Tyson

Councillor Allan Daniels
Councillor Alan Smith

Staff Present

C Fleming, D Fletcher, L Tomlinson

324. Election of Chair

Councillor A Smith was elected Chair for the meeting.

325. Declaration of Interests

None declared.

326. Questions

None received.

Exclusion of Press and Public

RESOLVED:

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

327. To consider an application to grant a hackney carriage driver licence

The Panel considered an application for a hackney carriage drivers' licence for the duration of three years. The applicant had provided information with their application that showed a criminal conviction for a violence offence in 2012. Officers did not have delegated powers to grant a hackney carriage and private hire drivers' licence that falls outside of the Council's Policy for Relevance of Convictions.

Section 59 Local Government (Miscellaneous Provisions) Act 1976 stated that a district council shall not grant a licence to drive a hackney carriage unless they are satisfied that the driver is a 'fit and proper person to hold a driver's licence'. 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. 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. All the convictions being considered in respect of this application were considered spent.

The applicant addressed the Panel and asked that extenuating circumstances be taken into account and the licence be granted. The incidents that led to the convictions had been when the applicant was much younger and they had matured and tried to rebuild their life since, the licence would be used to work to support the applicant's two children and there was an offer of employment subject to being granted the licence.

The Licensing and Compliance Specialist and the applicants then left the meeting while the panel considered the application.

Members considered the application, the officer's report, the representations made and advice from officers. The Panel also considered relevant legislation and the purposes of the licencing objectives.

Councillor A Kirkbride moved the motion to grant the hackney vehicle licence.

This was seconded by Councillor A Daniels.

A vote was taken, the motion was unanimously agreed.
The motion was carried.

The Licensing and Compliance Specialist and the applicant's representative returned to the meeting.

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

Decision/Reasons

The Licensing Regulatory Panel considered the application, the officer's report, and the representations made. The Panel also considered the relevant legislation and the Council's policy on Criminal Convictions.

The Panel was satisfied that the applicant was a fit and proper person in accordance with Section 59 Local Government (Miscellaneous Provisions) Act 1976 and agreed to delegate to the Licensing and Compliance Officer the power to grant the hackney carriage vehicle licence for a period of three years.

The applicant would be required to undertake the knowledge test once the testing was resumed.

Whilst contrary to policy, based on the applicant's presentations, the Panel accepted that the convictions were a result of a level of immaturity and offending during a short period of the applicant's life. The applicant had acknowledged the mistakes made and showed remorse and was apologetic for their behaviour. Since the latest conviction it was clear that the applicant had taken steps to gain meaningful employment, including driving jobs, and had further employment pending the grant of this Licence. This was sufficient to assure Members that the applicant was a fit and proper person.

The applicant was informed that if they were aggrieved by the decision of the Panel, they could appeal to the Magistrates' Court within 21 days of the decision.

The meeting closed at 2.40 pm