

At a meeting of the Licensing Regulatory Panel held in Council Chamber, Allerdale House on Friday 11 February 2022 at 2.00 pm

Members

Councillor Peter Kendall (Chair)
Councillor Hilary Harrington
Councillor Colin Sharpe

Councillor Adrian Kirkbride
Councillor Alan Smith

Staff Present

D Fletcher, J Morgan and G Roach

374. Election of Chair

Councillor P Kendall was elected as Chair for the ensuing meeting.

375. Declaration of Interests

None declared.

376. Questions

None received.

Resolved -

That under Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of exempt information as defined in paragraphs 4 and 7 of part 1 of Schedule 12A of the Act.

377. To consider an application to grant a private hire vehicle

This item was withdrawn.

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

The Licensing and Compliance Officer submitted a report for the Licensing Regulatory Panel to consider whether a person who had made an application for a hackney carriage driver's licence was a fit and proper person to hold such a license.

The Applicant was in attendance.

Members were asked to note a typographical error within paragraph 2.1 of the report which should have read 'The Policy for Relevance of Convictions states that an applicant with 7 or more current penalty points on their DVLA driving licence will be considered by the Licensing Regulatory Panel to determine his/her suitability'.

The application was made without the required standard documentation and therefore it needed to be considered by the Panel.

The applicant had provided their DVLA driving licence which had showed 12 penalty points. The applicant had asked that the Panel consider the application and the extenuating circumstances.

The applicant had held a hackney carriage drivers licence since April 2010. That licence had expired on 8 December 2021.

The applicant made their representations to the Panel. There had been four instances of exceeding the statutory speed limit within a six month period. The applicant explained those all related to travelling daily to and from work in roughly the same area whilst working in unprecedented times during the Covid-19 pandemic. The applicant accepted full responsibility for the offences.

Members asked questions on the background of the applicants driving history and around the four recorded instances.

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

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

Councillor H Harrington moved to refuse to grant the hackney carriage drivers licence on the grounds of the public safety objective.

This was seconded by Councillor C Sharpe.

Councillor A Kirkbride offered that the applicant had received no penalty points before or after the short period of accumulating the 12 points and felt they would be more cautious in the future. Councillor Kirkbride moved to grant the licence.

This was seconded by Councillor A Smith.

A vote was taken on Councillor Kirkbride's motion to grant the license; 2 in favour, 3 against and 0 abstentions. The motion was lost.

A vote was taken on Councillor Harrington's motion to refuse; 3 in favour, 1 against and 1 abstention. The motion was carried.

The Licensing and Compliance Officer returned to the meeting.

The decision notice including the reasons for the decision was read out.

Decision/Reasons

The Licensing Regulatory Panel had decided to refuse to grant the licence on the basis that it was not satisfied that the applicant was a fit and proper person to hold a driver's licence under section 59(1)(a) of the Local Government

(Miscellaneous Provisions) Act 1976 and in accordance with the officer's recommendation.

The application had come before the Panel as per the Council's policy on the relevance of criminal convictions, given that the applicant had twelve current penalty points. The policy stated that an application must be referred to the Panel where an applicant had seven or more penalty points.

The overriding objective was to protect the safety of the public. The Panel had considered the pattern of driving offences, and the fact that the applicant had over seven penalty points. It had also considered the fact that those show a consistent pattern of exceeding the statutory speed limit with four separate offences in a very short space of time. The Panel considered those offences to be inconsistent with the public safety objective and consequently could not agree to grant the licence in line with policy.

The Panel noted the circumstances of the offences and the fact that they were not committed when carrying the travelling public, however the Panel considered that the frequency and nature of the offences was still inconsistent with the public safety objective.

In making its decision, the Panel had listened to the applicant's representations and the information that they had provided. It sought to balance the applicant's interests against the overriding objective to protect the safety of the public.

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

The meeting closed at 2.40 pm