

At a meeting of the Licensing Regulatory Panel held in Top Floor, South Side, Allerdale House on Wednesday 15 February 2023 at 1.30 pm

## **Members**

Councillor Malcolm Grainger  
Councillor Hilary Harrington

Councillor Jimmy Grisdale  
Councillor William Pegram

Apologies for absence were received from Councillor Peter Kendall

## **Staff Present**

D Fletcher, L Jardine and J Morgan

### **342. Election of Chair**

Councillor Grainger was elected Chair for the ensuing meeting.

### **343. Declaration of Interests**

None declared

### **344. Questions**

None received

### **345. To consider an application to grant a hackney carriage vehicle licence**

The Licensing and Compliance Specialist submitted a report for the Licensing Regulatory Panel to consider a vehicle for licence which does not meet the criteria of Allerdale Borough Councils Vehicle Age Policy.

This application was listed for consideration on 06 January 2023. As the applicant failed to attend, members deferred the application as they felt unable to consider the item in his absence.

At this panel meeting, the applicant was again not in attendance but members proceeded as the applicant did not request a deferral.

The Application was to consider whether the council departs from the conditions of its Vehicle Age Policy and agree to grant the hackney carriage vehicle licence for any period up to one year.

The vehicle was previously licensed as a hackney carriage vehicle. The vehicle was over four years old and subject to the Vehicle Age Policy. The vehicle did not pass the required testing (16 September 2022) and was suspended. In accordance with legislation the licence was deemed revoked on 16 November 2022, two months after suspension.

The vehicle met the required standard on 21 November 2022 but as the licence has been revoked the officer's recommendation was to refuse the licence.

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

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

Councillor Grainger moved the motion to refuse to grant the hackney vehicle licence for 1 year.

This was seconded by Councillor Gridale

A vote followed the motion, 4 voted in favour, 0 against and 0 abstentions.

The motion was carried.

The Licensing and Compliance Officer and the applicant returned to the meeting.

The applicant was informed of the decision and its reasons.

### **Decisions/Reasons**

Members considered the application, the officer's report, and advice from officers. The Panel also considered relevant legislation and the Council's Vehicle Age Policy.

The Panel decided to refuse to grant the licence outside of the Vehicle Age Policy, as it does not believe that sufficient information was provided to persuade it that the application should be granted against policy. The Panel was presented with the same application on a previous occasion and the matter was deferred to allow him the opportunity to present his case. The applicant was sent a letter by the Licensing and Compliance Specialist following the first hearing, explaining the importance of attendance at the subsequent hearing. The applicant did not attend the second hearing or provide any information as to the reasons for the late application.

If the applicant is aggrieved by the decision of the Panel, they can appeal to the Magistrates' Court within 21 days of the decision.

**346. To consider an application to grant a hackney carriage vehicle licence**

The Licensing and Compliance Specialist submitted a report for the Licensing Regulatory Panel to consider a vehicle for licence which does not meet the criteria of Allerdale Borough Councils Vehicle Age Policy.

The Applicant was in attendance at the meeting.

The Application was to consider whether the council departs from the conditions of its Vehicle Age Policy and agree to grant the hackney carriage vehicle licence for any period up to one year.

The applicant had made an application to licence the hackney carriage on 06 December 2022 but the licence had expired on 04 December 2022.

As the licence had expired on 04 December 2022 the application was accepted as a new vehicle. As the vehicle is over four years old it falls outside the Vehicle Age Policy.

The officer's recommendation was to refuse the licence.

The applicant provided his representations and explained that following an MOT on the vehicle, remedial work was required. The delay was due to unavailability of parts which was taking up to 10 weeks. The work was not completed until after the licence had expired.

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

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

Councillor Grainger moved the motion to grant the hackney vehicle licence for 1 year.

This was seconded by Councillor Pegram

A vote followed the motion, 3 voted in favour, 0 against and 1 abstention.

The motion was carried.

The Licensing and Compliance Officer and the applicant returned to the meeting.

The applicant was informed of the decision and its reasons.

**Decisions/Reasons**

Members considered the application, the officer's report, representations from the applicant and advice from officers. The Panel also considered relevant legislation and the Council's Vehicle Age Policy.

The Panel decided to delegate powers to officers to grant the licence for one year, delegating the power thereafter to the Licensing and Compliance Officer for any subsequent renewal. Although the vehicle now falls outside the Vehicle Age Policy, it is now considered to meet the conditions outlined in section 3 of the Council's Vehicle Age Policy.

The Panel took account of the extenuating circumstances presented by the applicant and the fact that there were difficulties in obtaining parts.

If the applicant is aggrieved by the decision of the Panel, they can appeal to the Magistrates' Court within 21 days of the decision.

**347. To consider an application to grant a hackney carriage vehicle licence**

Item Withdrawn

**348. To consider an application to grant a hackney carriage vehicle licence**

The Licensing and Compliance Specialist submitted a report for the Licensing Regulatory Panel to consider a vehicle for licence which does not meet the criteria of Allerdale Borough Councils Vehicle Age Policy.

The Applicant was in attendance at the meeting.

The Application was to consider whether the council departs from the conditions of its Vehicle Age Policy and agree to grant the hackney carriage vehicle licence for any period up to one year.

The applicant transferred the vehicle on 11 January 2022. The vehicle had been a licenced vehicle since 4 August 2020. It had previously been tested and renewed in accordance with Allerdale Borough Council's Vehicle Age Policy until it expired on 3 August 2022. The applicant then made an application to licence the above vehicle on 13 December 2022 and provided all relevant documentation.

As the licence had expired the officer's recommendation was to refuse the licence.

The applicant provided his representations and explained that the delay in the applicant was due to a number of family bereavements.

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

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

Councillor Grainger moved the motion to grant the hackney vehicle licence for 1 year.

This was seconded by Councillor Gridale

A vote followed the motion, 4 voted in favour, 0 against and 0 abstentions.

The motion was carried.

The Licensing and Compliance Officer and the applicant returned to the meeting.

The applicant was informed of the decision and its reasons.

### **Decisions/Reasons**

Members considered the application, the officer's report, representations from the applicant and advice from officers. The Panel also considered relevant legislation and the Council's Vehicle Age Policy.

The Panel decided to delegate powers to officers to grant the licence for one year, delegating the power thereafter to the Licensing and Compliance Officer for any subsequent renewal. Although the vehicle now falls outside the Vehicle Age Policy, it is now considered to meet the conditions outlined in section 3 of the Council's Vehicle Age Policy.

The Panel took account of the extenuating circumstances presented by the applicant.

If the applicant is aggrieved by the decision of the Panel, they can appeal to the Magistrates' Court within 21 days of the decision.

**The meeting closed at 2.30 pm**