

At a meeting of the Licensing Panel held in Council Chamber, Allerdale House on Wednesday 7 September 2016 at 2.30 pm

Members

Councillor Angela Kendall (Chair)
Councillor Hilary Harrington
Councillor Janice Wood

Councillor Ron Munby
Councillor Martin Wood

Staff Present

B Carlin, D Devine, C Fleming and D Fletcher

148. Election of Chairman

Councillor A Kendall was elected Chairman for the ensuing meeting.

149. Declaration of Interests

None declared.

150. Questions

None received.

151. The Chairman will move:

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

152. Application for the Grant of a Hackney Carriage Driver Licence

The Licensing and Compliance Officer submitted a report for the Licensing Panel to consider whether a person who had made an application for the grant of a Hackney Carriage Driver's Licence was a fit and proper person to hold such a licence.

The applicant and his representative were invited into the meeting.

The Licensing and Compliance Officer provided the Panel with details on the application.

The applicant had provided a Disclosure and Barring Service Certificate as part of the application. The certificate contained information which fell within the Council's policy for convictions. The last conviction was dated 15 June 2000.

The applicant had provided his DVLA plastic driving licence card as part of the application. The driving licence contained 3 penalty points.

The Licensing and Compliance Officer set out the key points for consideration.

The applicant had previously been a licensed driver with Allerdale Borough Council between 21 May 2014 and 20 May 2016, when the most recent licence expired. The applicant did not apply to renew the licence in time and due to the application being received more than 28 days following the expiry date was required to make a fresh application as a new driver.

The Licensing and Compliance Officer advised that the applicant's previous Hackney Carriage Driver's Licence was held without issue.

The Council's Statement of Policy Concerning the Relevance of Criminal Convictions Relating to the Determination of Application or Renewal for a Hackney Carriage/Private Hire Driver's Licence set out that an application would be referred to the Licensing Panel where any conviction or caution was disclosed as laid down in the relevant conviction guidance.

The Guidelines Relating to the Relevance of Convictions set out that for the purpose of these guidelines formal cautions and endorsable fixed penalties shall be treated as though they were convictions.

Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 required the Council to be satisfied that the driver was a 'fit and proper person to hold a driver's licence' in order to grant a Hackney Carriage Driver's Licence.

The report set out the options available to the Licensing Panel which were to:

- Agree to grant the Hackney Carriage Driver's Licence for any period up to one year
- Refuse to grant the Hackney Carriage Driver's Licence under Section 59(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 (not satisfied that the applicant is a fit and proper person to hold a driver's licence)

The Licensing and Compliance Officer recommended that the Panel agree to grant the Hackney Carriage Driver's Licence due to the applicant's last conviction being over 16 years ago.

The Licensing and Compliance Officer read out information received from the applicant's representative dated 18 August 2016. The applicant's representative did not wish to add further to his representation.

The applicant gave representation on his application.

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

The Licensing Panel considered the information provided by the Licensing and Compliance Officer and the representations made by the applicant and his representative.

The Panel considered the options available to it in the report.

Councillor M Wood moved to agree to grant the Hackney Carriage Driver's Licence for one year. Councillor R Munby seconded.

A vote was taken; 5 in favour of agreeing to grant the Hackney Carriage Driver's Licence and 0 against.

The motion in favour of agreeing to grant the Hackney Carriage Driver's Licence for one year was carried.

The applicant, his representative and the Senior Licensing and Compliance Officer returned to the meeting.

The applicant was informed of the Panel's decision and the reasons for it.

Decision

To agree to grant the Hackney Carriage Driver's Licence for one year.

Reasons for the Decision

The Panel made its decision having regard to the following:

- The Council's Statement of Policy Concerning the Relevance of Criminal Convictions Relating to the Determination of Application or Renewal for a Hackney Carriage/Private Hire Driver's Licence
- The Licensing and Compliance Officer's recommendation
- The applicant had previously held a Hackney Carriage Driver's Licence without issue.
- The Council's Statement of Policy set out that applicants with convictions for violence and abusive behaviour should be free of such convictions for at least five years, drug convictions should be three years free of offences and dishonesty offences should be three to five years free of conviction.

Resolved

To agree to grant the Hackney Carriage Driver's Licence for one year.

The meeting closed at 2.50 pm