

At a meeting of the Licensing Regulatory Panel held in Council Chamber - Allerdale House, Workington on Monday 16 July 2018 at 2.00 pm

Members

Councillor Peter Kendall (Chair)
Councillor Malcolm Grainger
Councillor Christine Smith

Councillor Hilary Harrington

Apologies for absence were received from Councillor Bill Pegram

Staff Present

D Devine, C Fleming and D Fletcher

99. Election of Chair

Councillor P Kendall was elected Chair for the ensuing meeting.

100. Declaration of Interests

None declared.

101. Questions

None received.

102. To consider an application for 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 the grant of a Hackney Carriage Driver Licence was a fit and proper person to hold such a licence.

The applicant and his prospective employer were invited into the meeting.

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

The applicant had provided the following as part of the application:

- Disclosure and Barring Service (DBS) Certificate – the certificate revealed information relevant to the application.
- DVLA driving licence – the licence did not contain any endorsements.

The applicant had yet to provide a completed doctor's medical form showing him as fit to drive a hackney carriage.

The Licensing and Compliance Officer set out the key points for consideration as follows:

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:

'Consideration of Disclosed Criminal History

16. . . . if an applicant has any convictions, warnings, cautions or charges awaiting trial, the Council will look into:
 - 16.1 how relevant the offence(s) are to the licence being applied for.
 - 16.2 how serious the offence(s) were.
 - 16.3 when the offence(s) were committed.
 - 16.4 the date of conviction.
 - 16.5 circumstances of the individual concerned
 - 16.6 sentence imposed by the court.
 - 16.7 whether they form part of a pattern of offending.
 - 16.8 any other character check considered reasonable (e.g. personal references)
 - 16.9 any other factors that might be relevant.'

'40. Drugs

40.1 A serious view shall be taken of convictions of this nature. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. An application with a conviction for a drug related offence should be required to show a period of at least 3 years free of convictions before an application is entertained.'

The Licensing and Compliance Officer recommended that the licence be refused on the grounds that the applicant was not a fit and proper person to hold a licence. The information revealed on the applicant's DBS Certificate showed two offences relating to possession of controlled drugs. Although the applicant had been free of conviction for three years, as per section 40 of the Council's Policy, there was still a potential risk implied by the offences.

The applicant and his prospective employer gave representation on the application.

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

The Licensing Panel considered the application, officer's report, representations made by the applicant and his prospective employer and advice from officers. The Panel also considered all relevant legislation and 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.

Councillor M Grainger moved that the application for a hackney carriage driver licence be refused, as per the officer's recommendation. This was seconded by Councillor H Harrington.

A vote was taken on the motion. The vote in favour of refusing the licence was unanimous.

The motion in favour of refusing the licence was carried.

The applicant, his prospective employer and the Licensing and Compliance Officer returned to the meeting.

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

The applicant was informed that, if aggrieved by the decision of the Council, he had a right of appeal to a magistrates' court within 21 days of receiving written notification of the decision.

Decision/Reasons

To refuse to grant the Hackney Carriage Driver Licence.

The application had come before the Licensing Panel as per 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, given that he had two convictions relating to the possession of controlled drugs.

The Panel's overriding objectives were to protect the safety of the public and the prevention of crime and disorder. It was considered that the nature of the convictions revealed in the application showed a significant a risk to the public, when considering the policy on the relevance of criminal convictions.

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

Resolved

That the application for a Hackney Carriage Driver Licence be refused.

103. To consider an application for a Hackney Carriage Driver Licence

Item deferred.

The meeting closed at 2.48 pm