

At a meeting of the Licensing Regulatory Panel held in Council Chamber - Allerdale House, Workington on Friday 4 October 2019 at 2.00 pm

Members

Councillor Carmel Bell
Councillor Adrian Kirkbride
Councillor Will Wilkinson

Councillor Malcolm Grainger
Councillor Alan Smith

Staff Present

C Fleming, D Fletcher and L Jardine

189. Election of Chair

Councillor Grainger was elected chair for the ensuing meeting.

190. Declaration of Interests

None declared

191. Questions

None received

192. To consider an application for a Hackney Carriage Vehicle

The Licensing and Compliance Officer 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 agrees to grant the hackney carriage vehicle licence for any period up to one year.

The vehicle was previously licensed as a hackney carriage vehicle but the licence expired and without a valid renewal application it is considered as a new application.

The vehicle held the private hire licence which expired on 27 July 2019. It had been a licensed vehicle since 2006. Prior to 30 April 2019 it was licensed as a hackney carriage vehicle by a different operator. The renewal application was not received in full until 1 August 2019.

The officer's recommendation was to refuse the licence in accordance with the Council's Vehicle Age Policy.

The applicant then gave their representations and answered questions from members.

The applicant admitted they were new to the application process and accepted responsibility, admitting that it was an internal error on their part. They also advised that following the engineer's report, any repairs were carried out immediately and that going forward this issue would not occur again.

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 Kirkbride moved the motion to grant the hackney vehicle licence for one year.

This was seconded by Councillor Wilkinson

A vote followed the motion, 5 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.

Decision/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 grant the licence for one year, delegating the power thereafter to the Licensing and Compliance Officer for any subsequent renewal.

Members noted that the works required on the vehicle were completed satisfactorily and the MOT test certificate, Council Testing Station Certificate and the Independent Engineer's Report were produced at the first available opportunity after the expiry of the licence.

The panel had exercised its discretion based upon the representations the applicant made before them today. It advised the applicant that public safety remains very much at the forefront of its decision making, and that the suitability of vehicles for the transportation of the travelling public should be taken very seriously by all proprietors.

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

193. To consider an application for a Private Hire Vehicle

The Licensing and Compliance Officer submitted a report for the Licensing Regulatory Panel to consider a vehicle for licence which does not meet the criteria of Allerdale Borough Council's 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 agrees to grant the hackney carriage vehicle licence for any period up to one year.

The vehicle was previously licensed as a hackney carriage vehicle but the licence expired and without a valid renewal application it is considered as a new application.

The vehicle held the private hire licence which expired on 28 July 2019. It had been a licensed vehicle since 2011. Prior to 30 April 2018 it was licensed as a hackney carriage vehicle by a different operator. The renewal application was not received in full until 1 August 2019.

The officer's recommendation was to refuse the licence in accordance with the Council's Vehicle Age Policy.

The applicant then gave their representations and answered questions from members.

The applicant admitted they were new to the application process and accepted responsibility, admitting that it was an internal error on their part. They also advised that following the engineer's report, any repairs were carried out immediately and that going forward this issue would not occur again.

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 Wilkinson moved the motion to grant the hackney vehicle licence for one year.

This was seconded by Councillor Kirkbride

A vote followed the motion, 5 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.

Decision/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 grant the licence for one year, delegating the power thereafter to the Licensing and Compliance Officer for any subsequent renewal.

Members noted that the works required on the vehicle were completed satisfactorily and the MOT test certificate, Council Testing Station Certificate and the Independent Engineer's Report were produced at the first available opportunity after the expiry of the licence. The members appreciated that some of the delays were compacted by availability of parts to enable the repairs.

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

194. 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 has made an application for a hackney carriage driver's licence is a fit and proper person to hold such licence.

The applicant was in attendance at the meeting.

The Licensing and Compliance Officer delivered the report to the panel. The applicant had held a hackney carriage driver licence with Allerdale Borough Council since 24 August 2017. During the renewal application process, it was revealed that the applicant had endorsements on their driving licence.

The officer's recommendation was to refuse the licence on the grounds that the applicant is not a fit and proper person to hold a licence.

The applicant provided his representations and answered questions from the panel. The applicant advised that all the endorsements on his licence were awarded when driving in his personal capacity, not when working as a Hackney Carriage Driver, the applicant also went on to explain that his taxi is tracked by his current employer.

The applicant also wanted the panel to consider the fact that an endorsement on his licence was awarded whilst on route to visit his injured son in hospital.

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. The Panel also considered relevant legislation, and the Council's policy on the relevance of criminal convictions.

Councillor Wilkinson moved the motion to refuse the hackney carriage driver licence applications as per officer's recommendations

This was seconded by Councillor Bell.

A vote was taken on the motion, 4 voted in favour, 1 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.

Decision/Reasons

The Licensing Regulatory Panel considered the application, the officer's report, representations from the applicant and advice from officers.

The Panel also considered the relevant legislation and the Council's policy on the relevance of criminal convictions.

The decision has been made in conjunction with the overriding objective of protecting the safety of the public.

This decision was referred to the Licensing Regulatory Panel in accordance with paragraph 36.6.3 of the policy on the relevance of criminal convictions where an applicant has 8 or more current penalty points on their DVLA driving licence.

The licensing panel decided to refuse to grant the licence on the basis that it is not satisfied that the applicant is a fit and proper person to hold a driver's licence under section 59(1)(a)(i) of the Local Government (Miscellaneous Provisions) Act 1976 and in accordance with the officer's recommendation.

The offence committed by the applicant on 25 August 2018 showed a complete disregard for public safety and posed a significant danger and risk to other road users. Whilst the panel considered the circumstances presented by the applicant that lead to the offence, it remains the duty of the Licensing Regulatory Panel to uphold the licensing objectives and ensure the safety of the travelling public. The applicants DVLA licence record showed another offence in December 2017 and the applicant made reference to an earlier offence which was removed from their record by way of a speed awareness course, made available for a first offence, showing, in accordance with paragraph 16.7 of the policy, a pattern of offending.

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

195. To consider an application for a Hackney Carriage Driver Licence (Renewal)

The Licensing and Compliance Officer submitted a report for the Licensing regulatory panel to consider whether a person who has made an application for a hackney carriage driver's licence is a fit and proper person to hold such licence.

The applicant was not in attendance at the meeting.

The Licensing and Compliance Officer delivered the report to the panel. As part of the applicant's application, the applicant subscribes to the Disclosure and Barring Service certificate update service which revealed information relevant to the application. The officer also advised that the applicant had endorsements on their driving licence.

The officer's recommendation was to refuse the licence on the grounds that the applicant is not a fit and proper person to hold a licence.

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

Members considered the application, the officer's report, and representations from the applicant. The Panel also considered relevant legislation, and the Council's policy on the relevance of criminal convictions

Councillor Wilkinson moved the motion to refuse the hackney carriage driver licence application as per officer's recommendations

This was seconded by Councillor Bell.

A vote was taken on the motion, 5 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.

Decision/Reasons

The Licensing Regulatory Panel considered the application, the officer's report, and advice from officers.

The Panel also considered the relevant legislation and the Council's policy on the relevance of criminal convictions.

The decision has been made in conjunction with the overriding objective of protecting the safety of the public.

This decision was been referred to the Licensing Regulatory Panel in accordance with paragraph 43.3 of the policy on the relevance of criminal convictions.

The licensing panel decided to refuse to grant the licence on the basis that it is not satisfied that the applicant is a fit and proper person to hold a driver's licence under section 59(1)(a)(i) of the Local Government (Miscellaneous Provisions) Act 1976 and in accordance with the officer's recommendation.

In accordance with paragraph 43.1 of the policy, an application containing dishonesty offences such will only be considered to be sufficiently mitigated after a period of 10 years, as long as no further offences are committed. The panel felt that they had not been provided with any mitigation which put them in a position whereby they could depart from policy. The offence is sufficiently serious for the panel to feel that the applicant is not a fit and proper person. The applicant's record also shows a history of offending which further compacts this.

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

The meeting closed at 4.30 pm