

At a meeting of the Licensing Regulatory Panel held in Allerdale House, Workington on Monday 24 February 2020 at 2.00 pm

## **Members**

Councillor Carmel Bell  
Councillor Peter Kendall  
Councillor Alan Smith

Councillor Peter Gaston  
Councillor Adrian Kirkbride

Apologies for absence were received from Councillor Ron Munby MBE

## **Staff Present**

D Fletcher, L Jardine, G McDonald and J Morgan

## **Also Present**

### **358. Election of Chair**

Councillor Gaston was elected Chair for the ensuing meeting

### **359. Declaration of Interests**

None declared

### **360. Questions**

None received

#### **The Chair moved:**

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

#### **Item 6 was considered before Item 5 on the Agenda**

**Councillor Bell left the meeting prior to Item 5.**

### **361. 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 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. The applicant has been a licensed hackney carriage driver since 2010 and this licence expired on 08 December 2019.

The application to renew the licence was submitted online on 13 January 2020, which was more than 28 days following the expiration of a licence. Therefore, the existing documents and checks could not be considered and as such the applicant needed to make a new application.

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.

Members then asked questions of the officers. The Licensing and Compliance Officer explained the renewal process and advised that there were no problems with the applicant's licence since it was first granted.

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

Members considered the application and the officer's report. The Panel also considered the relevant legislation and the Council's policies on hackney carriage licence applications.

Councillor Smith moved the motion to grant the hackney carriage driver licence

This was seconded by Councillor Kendall

A vote was taken on the motion, 4 voted in favour, 0 against and 0 abstentions.

The motion was carried.

### **Decision/Reasons**

The Licensing Regulatory Panel considered the application and the officer's report. The Panel also considered the relevant legislation and the Council's policies on Hackney Carriage licence applications.

The Panel decided to grant the delegated authority to the Licensing and Compliance Officer to grant the hackney carriage licence for a period of up to one year, the panel considered the applicant to be a fit and proper person to hold such a licence.

The circumstances, namely a significant delay with the DBS certification service, prevented the applicant from being able to renew the licence, this was out of both the applicants control and that of the Licensing Authority; therefore the panel saw it right that the licence is granted.

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

### **362. To consider an application for a Private Hire 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 private hire driver's licence is a fit and proper person to hold such licence.

The applicant attended the meeting.

The Licensing and Compliance Officer delivered the report to the panel. As part of the application the applicant provided a Disclosure and Barring Service certificate dated 21 February 2019. The applicants driving licence also had six current penalty points for speeding.

Members were advised that the applicant is currently working for a transport company and if the licence is granted the applicant will secure further employment.

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 then provided their representations, advising the panel that the latest disclosure on the DBS certificate was nearly ten years ago. The applicant stated that they are now responsible that the granting of the licence will provide further employment opportunities.

Members then asked questions to the applicant in relation to his current employment, their driving record and speeding offences, and his convictions.

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

Members considered the application, the applicant representations and the officer's report. The Panel also considered the relevant legislation and the Council's policies on private hire licence applications.

Councillor Kirkbride moved the motion to grant the private hire driver licence

This was seconded by Councillor Bell

A vote was taken on the motion, 3 voted in favour, 2 against and 0 abstentions.

The motion was carried.

### **Decision/Reasons**

The Licensing Panel considered the application, the officer's report, the 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 licensing panel decided to:

Agree to grant the licence for a period of 12 months, after which the decision to continue to do so will be delegated to the Licensing Officer should there be no

further issues. This is subject to the applicant completing the driving test, knowledge test, providing a medical certificate and providing the proof of right to work in the UK.

The panel considered the information provided by the applicant in conjunction with the overriding objective of protecting the safety of the public.

In making its decision, the Panel noted that the applicant has six penalty points for speeding and that the applicant did have a violence offence on 23 December 2010 for which they were convicted on 22 July 2011. This violence offence falls within the last 10 years as per paragraph 44 of the Council's policy on criminal convictions. The Panel also considered the fact that the applicant has a history of offending including driving offences and assault. However, the Panel did take into consideration the length of time that had elapsed since the applicant's previous offences and the fact that the applicant has not offended in the last nine years. In addition, the Panel considered the fact that the applicant has employment with Cumbria County Council, working with vulnerable individuals and that the employer is happy to employ the applicant in light of the content of the DBS.

In accordance with the policy, the licensing panel took the opportunity to issue a strict warning to the applicant about future conduct and that the Council has enforcement powers which will be exercised in the event that it becomes necessary to do so.

The applicant was advised that if they are 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 3.05 pm**