

At a meeting of the Licensing Regulatory Panel held on Zoom Virtual Meeting on Friday 26 June 2020 at 2.00 pm

Members

Councillor Mary Bainbridge
Councillor Will Wilkinson

Councillor Elaine Lynch

Apologies for absence were received from Councillor Peter Gaston and Councillor Malcolm Grainger

Staff Present

W Collins, G Collinson, D Fletcher, J Irving, L Jardine and J Morgan

27. Election of Chair

Councillor Wilkinson was as Chair for the ensuing meeting.

28. Declaration of Interests

None declared

29. 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.

30. 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 attended the virtual meeting via phone.

The Licensing and Compliance Officer delivered the report to the panel. The applicant has been a licensed driver with Allerdale Borough Council since 20 February 2017. Information revealed on the applicants Disclosure and Barring Certificate dated 24 April 2019 means that the application had to be considered by the Licensing Panel. The applicant does not have any driving penalty points.

The applicant provided written representations which were part of the officer's report.

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, explaining the background and mitigation in relation to his conviction, dated February 2019.

Members then asked questions of the applicant in relation to his latest conviction.

The Licensing and Compliance Officer and the applicant 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 hackney carriage licence applications.

Councillor Bainbridge moved the motion to grant the Hackney Carriage driver licence

This was seconded by Councillor Lynch

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

The panel considered the information the applicant provided in conjunction with the prevention of crime and disorder objective and the overriding objective of protecting the safety of the public.

In making its decision, the Panel noted that the applicant has a dishonesty conviction dated 28 February 2019 and that the officer recommendation was to refuse to grant the licence in line with the Authority's convictions policy. However, having heard the information provided, the Panel was satisfied that the applicant had showed remorse for this incident. The Panel was satisfied with the explanation that the applicant had been unaware that they had been

trading in breach of the relevant legislation and that they have since ceased trading in this regard as to avoid the risk of making a further mistake.

The Panel also considered the fact that the applicant has been a licensed driver for the Authority since 20 February 2017 and that there had been no further issues reported. In addition, the applicant does not have any penalty points on their licence.

The Panel noted the applicant's personal circumstances; however, these cannot be taken into account when making a decision.

In accordance with policy, the licensing panel took the opportunity to issue a strict warning to the applicant about future conduct and reminded them of the Councils 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 2.55 pm