

At a meeting of the Licensing Regulatory Panel held in Zoom Virtual Meeting on Friday 30 April 2021 at 3.30 pm

Members

Councillor Mary Bainbridge
Councillor Ron Munby MBE
Councillor Will Wilkinson

Councillor Allan Daniels
Councillor Alan Smith

Staff Present

D Fletcher, L Jardine and J Morgan

423. Election of Chair

Councillor Munby was elected Chair for the ensuing meeting.

424. Declaration of Interests

None declared

425. 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.

426. Hackney Carriage Driver Application

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 a 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 delivered the report to the panel.

The applicant held a hackney carriage driver's licence with Allerdale Borough Council since 12 October 2017. His licence expired on 11 October 2020.

The applicant made an application to renew the hackney carriage drivers' licence on the 7 October 2020. The Disclosure and Barring Service (DBS) disclosure had expired on 3 October 2020.

The applicant was not able to provide a new DBS certificate in time to have his application renewed by Officers within the 28-day period following expiry. The applicant provided a new DBS certificate on 24 March 2021.

The applicant was not in attendance but provided the panel with written representations, stating that the Covid 19 Pandemic, relationship breakdowns and illness were the extenuating factors which led to the expiry of the licence.

Members then asked questions of the officer in relation to the DBS check and whether it contained any entries, officers advised it did not.

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

Councillor Daniels moved the motion to grant the Hackney Carriage Licence.

The motion was seconded by Councillor Smith.

A vote was taken on the motion, 5 voted in favour, 0 against and 0 abstentions.

The motion was carried.

Decisions/Reasons

The Licensing Panel considered the application, the officer's report, the applicant's written representations and advice from officers. The Panel has also considered the relevant legislation as outlined in the report.

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 relevant driving licence check being undertaken and being returned as satisfactory due to the time lapse since the last one was carried out.

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

In making its decision, the Panel noted that there were extenuating personal circumstances which led to the delay in submitting the relevant documentation. In addition, there was no information contained in the subsequent enhanced DBS check, or any of the other documents submitted with the application which caused concern in respect of protecting the safety of the public.

If applicant is aggrieved by the 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 3.50 pm