

At a meeting of the Licensing Regulatory Panel held in Allerdale House, Workington on Friday 10 September 2021 at 2.00 pm

Members

Councillor Peter Kendall (Chair)
Councillor Nicky Cockburn
Councillor Malcolm Grainger

Councillor Peter Gaston
Councillor Alan Smith

Staff Present

C Fleming, D Fletcher and G Roach

167. Election of Chair

Councillor P Kendall was elected Chair for the ensuing meeting.

The Chair agreed to amend the order the applications were to be taken, with item 6 to be considered first.

168. Declaration of Interests

6. To consider an application to grant a Private Hire Driver Licence (3 years).
Councillor Alan Smith; Other Interest; Due to him knowing the applicant however not as a friend or acquaintance.

169. Questions

None received.

Resolved

'That under Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of exempt information as defined in paragraphs 4 and 7 of part 1 of Schedule 12A of the Act.'

170. To consider an application to grant a hackney carriage vehicle licence

The Licensing and Compliance Officer submitted a report for the Licensing Regulatory Panel to consider a vehicle for licence which did not meet the criteria of Allerdale Borough Councils Vehicle Age Policy.

The Applicant and a representative was in attendance.

The application was to consider whether the council departs from the conditions of its Vehicle Age Policy and agree 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 was considered as a new application.

The vehicle held the private hire licence which expired on 20 August 2021. It had been a licensed vehicle since August 2018. The application to renew the vehicle was received on 24 August 2021 along with all relevant documentation.

The applicant had requested that the Licensing Regulatory Panel consider licensing the vehicle outside of the Vehicle Age Policy due to their extenuating circumstances.

The officer's recommendation was to refuse the licence.

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

The applicant's representative advised the Panel that the delay with the application was due to a family members' illness and numerous hospital commitments which meant they had missed the deadline by 4 days. Once the error was noticed the application had been submitted within 2 days following the weekend.

The Licensing and Compliance Officer and the applicant and their representative 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 A Smith moved the motion to grant the hackney vehicle licence for one year.

This was seconded by Councillor N Cockburn.

A vote was taken, the motion was unanimously agreed.
The motion was carried.

The Licensing and Compliance Officer and the applicant and their representative 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, and considered relevant legislation and the Council's Vehicle Age Policy.

To grant the delegated authority to the Licensing and Compliance Officer to allow for the grant of the hackney carriage vehicle licence for a period of one year.

The Panel took due regard to the extenuating circumstances, being the applicant providing primary care to the family, and therefore not able to complete the necessary application prior to the vehicle's expiry date. The Panel acknowledged that all of the necessary vehicle checks had been obtained and it was fit for use as a hackney carriage. Given such a short period, being over the weekend when the Council offices were closed, between the expiry date and the application being submitted the panel deemed it right to see that the authority be given to officers to grant the vehicle licence.

The applicant was advised that if they were aggrieved by the decision, they could appeal to the Magistrates' Court within 21 days of the decision.

171. To consider an application to grant a Private Hire Driver Licence (3 years)

The Licensing and Compliance Officer submitted a report for the Licensing Regulatory Panel to consider whether a person who had made an application for a private hire driver's licence was 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. The applicant had made an application for a three-year private hire driver's licence. As part of the application the applicant provided a Disclosure and Barring Service certificate which included a conviction which contained an element of dishonesty dated September 2015 with a community order until October 2016. A medical form had been provided which showed the applicant was fit to drive a private hire vehicle as of 22 May 2021. The applicant's driving licence had three current penalty points for speeding.

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

The applicant then provided their representations, advising the panel the reason why it had taken so long to complete the community order was due to the restrictions around being a long distance lorry driver. The community order had since been completed.

Members then asked questions to the applicant in relation to their driving record and speeding offences and conviction.

The applicant and 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 P Gaston moved the motion to delegate the power to the Licensing and Compliance Officer to grant the private hire driver's licence for three years once all documentation was received to the required standard.

This was seconded by Councillor N Cockburn.

A vote was taken, the motion was unanimously agreed.
The motion was carried.

The applicant and the Licensing and Compliance Officer returned to the meeting.

Decision/Reasons

The Licensing Regulatory 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:

Grant delegated authority to the Licensing and Compliance Officer to grant the licence on the basis that it was satisfied that the applicant was a fit and proper person to hold a Private Hire driver's licence under section 51(1) of the Local Government (Miscellaneous Provisions) Act 1976. The granting of the delegated authority was subject to the appropriate medical form being produced, officers being furnished with evidence of the applicant's right to work in the UK and also to be conditional on completion of the Council's knowledge test.

The panel took the opportunity to remind the applicant that a dishonesty offence would usually preclude them from being granted a licence for a period of 7 years and warned if any such offence was committed again while licensed as a taxi driver they would be at risk of losing their licence.

The Panel made the decision on the basis that the dishonesty offence committed in September 2015 was of such that the applicant made no financial gain, and their conduct was not of the nature that they considered the applicant to pose a risk to the public; the applicant also fully acknowledged their wrongdoing when the offence was committed. The Panel was also reasonably satisfied that the driving offences were relatively minor and the majority of the points were no longer valid although they did not condone the actions and hoped that the applicant would act and drive with significant care going forward.

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

The meeting closed at 3.20 pm