

At a meeting of the Licensing Regulatory Panel held in Council Chamber, Allerdale House on Friday 10 December 2021 at 2.30 pm

## **Members**

Councillor Malcolm Grainger (Chair)  
Councillor Allan Daniels  
Councillor Peter Kendall

Councillor Peter Gaston  
Councillor Elaine Lynch

## **Staff Present**

D Fletcher, J Morgan and G Roach

### **302. Election of Chair**

Councillor M Grainger was elected Chair for the ensuing meeting.

### **303. Declaration of Interests**

None declared.

### **304. 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 paragraph 1 of part 1 of Schedule 12A of the Act.

### **305. 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 had made an application for a hackney carriage driver's licence was a fit and proper person to hold such a license.

The Applicant was not in attendance.

The application was made without the required standard documentation as the applicant had not held a DVLA licence for a period of three years prior to the application and therefore it needed to be considered by the Panel.

The applicant had held a DVLA driving licence since 28 February 2019.

The applicant had requested that the Licensing Regulatory Panel consider the application taking their extenuating circumstances into account.

The officer's recommendation was to refuse the licence.

Members asked questions on the background of the applicants driving history.

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

Members considered the application, the officer's report and advice from officers. The Panel also considered relevant legislation and the purposes of the licencing objectives.

Councillor P Gaston moved to refuse to grant the hackney carriage drivers licence in line with the Licensing Criminal Convictions Policy.

This was seconded by Councillor A Daniels.

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

The Licensing and Compliance Officer returned to the meeting.

The decision notice including the reasons for the decision was read out.

### **Decision/Reasons**

The Licensing Regulatory Panel had considered the application, officer's report and advice from officers. The Panel has also considered all relevant legislation and the Council's policy on the relevance of criminal convictions.

The Licensing Regulatory Panel decided to:

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

This application had come before the panel as per the Council's policy on the relevance of criminal convictions, given that the applicant had not held a driving licence for at least three years, in accordance with clause 5 of the policy.

The overriding objective was to protect the safety of the public. The panel had considered the application in line with the policy and was not satisfied that the applicant was fit and proper to hold a licence at the present time due to the length of time they had held a licence.

In making its decision, the Panel sought to balance the applicant's interests against the overriding objective to protect the safety of the public.

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

**306. To consider an application to grant a hackney carriage driver licence**

The applicant was due to give representations to the Panel however did not attend the meeting.

Councillor E Lynch moved deferral of the item to the next Panel meeting. This was seconded by P Kendall.

The motion was unanimously agreed.

**Decision**

Item deferred

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

The Licensing and Compliance Specialist 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's 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 first licensed as a hackney carriage vehicle on 13 November 2018. The most recent licence expired on 12 November 2021. An application had been made on 24 August 2021 to licence the mentioned vehicle.

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's representative 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 the vehicle needing repairs and the insurance process had delayed that from happening. The repairs were now complete and the vehicle was ready for testing.

The Licensing and Compliance Specialist and the applicant's representative then left the meeting while the panel considered the application.

Members considered the application, the officer's report, the representations made and advice from officers. The Panel also considered relevant legislation, the Vehicle Age Policy and the purposes of the licencing objectives.

Councillor P Kendall moved the motion to grant the hackney vehicle licence for one year once all documentation had been submitted.

This was seconded by Councillor E Lynch.

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

The Licensing and Compliance Specialist and the applicant's representative returned to the meeting.

The applicant's representative was informed of the decision and its reasons.

### **Decision/Reasons**

Members had 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 had decided to delegate powers to officers to grant the vehicle licence for one year, delegating the power thereafter to the Licensing and Compliance Specialist for any subsequent renewal once all of the relevant documentation was received as outlined in the officer's report.

The Panel considered that the vehicle was suitable to be licensed as a hackney carriage vehicle subject to that remaining documentation being received. The Panel considered the fact that the applicant had been unable to renew the previous licence before it expired only due to the fact that the insurance company did not repair or return the vehicle in time to renew following a non-fault accident. It was imperative that the applicant obtained all of the other remaining documentation before the licence could be granted.

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

### **308. To consider an application for a private hire vehicle**

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

The Applicant's representative was in attendance.

The vehicle was first registered on 24 February 2010. The vehicle was first licensed as a private hire vehicle on 21 November 2013. The licence expired without a valid renewal application being made on 4 November 2021.

An application to renew the vehicle was received on 15 September 2021 but it was incomplete.

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's representative 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 confusion around reminder letters for testing the vehicle sent from the Council and conflicting deadlines.

The Licensing and Compliance Specialist and the applicant's representative then left the meeting while the panel considered the application.

Members considered the application, the officer's report, the representations made and advice from officers. The Panel also considered relevant legislation, the Vehicle Age Policy and the purposes of the licencing objectives.

Councillor P Kendall moved the motion to grant the hackney vehicle licence for one year once all documentation had been submitted.

This was seconded by Councillor P Gaston.

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

The Licensing and Compliance Specialist and the applicant's representative returned to the meeting.

The applicant's representative was informed of the decision and its reasons.

### **Decision/Reasons**

Members had considered the application, the officer's report, representations from the applicant's representative and advice from officers. The Panel also considered relevant legislation and the Council's Vehicle Age Policy.

The Panel had decided to grant the vehicle licence for one year, delegating the power thereafter to the Licensing and Compliance Specialist for any subsequent renewal as outlined in the officer's report.

The Panel considered that the vehicle was suitable to be licensed as a private hire vehicle. The Panel considered the information provided by the applicant's representative regarding confusion about dates of testing and letters sent out, and also considered the fact that the vehicle complied with section 3 of the Vehicle Age Policy.

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

### **Councillor A Daniels left the meeting**

### **309. To consider an application to grant a hackney carriage vehicle licence**

The Licensing and Compliance Specialist 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 was first licensed as a hackney carriage vehicle on 14 November 2018. The most recent license expired on 13 November 2021. An application had been made on 9 November 2021 but could not provide all the relevant documentation before the license expired. All documentation had since been supplied in full.

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 the fact the vehicle required a lot of work doing to it and that work had taken longer than anticipated in the garage. The vehicle had since been repaired.

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

This was seconded by Councillor P Kendall.

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**

Members had 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 had decided to delegate powers to officers to grant the vehicle licence for one year, delegating the power thereafter to the Licensing and Compliance Specialist for any subsequent renewal as outlined in the officer's report.

The Panel considered that the vehicle was suitable to be licensed as a hackney carriage vehicle. The Panel considered the fact that the applicant had been unable to renew the previous licence before it expired only due to the fact that they were unable to get the repairs done by the garage before the renewal date. The Panel also considered the fact that the vehicle was now compliant with section 3 of the Vehicle Age Policy.

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 4.10 pm**