

At a meeting of the Licensing Regulatory Panel held in Council Chamber, Allerdale House on Monday 27 June 2022 at 2.00 pm

Members

Councillor Peter Kendall (Chair)
Councillor Peter Gaston
Councillor Hilary Harrington

Councillor Malcolm Grainger
Councillor Alan Smith

Staff Present

C Fleming, D Fletcher and G Roach

66. Election of Chair

Councillor Peter Kendall was elected as Chair for the ensuing meeting.

67. Declaration of Interests

None declared.

68. Questions

None received.

Resolved

“That under Section 100A4 of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in paragraph 1 of part 1 of Schedule 12A of the Act.”

69. 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 hackney carriage vehicle licence which did not meet the criteria of Allerdale Borough Councils Vehicle Age Policy.

The Applicant’s representative was in attendance.

The Licensing and Compliance Specialist presented the report.

The vehicle was first registered in the UK on 1 February 2016. The licence had expired without a valid renewal application being made.

An application had been made and received by the Council on 27 May 2022 but without the accompanying application fee therefore was not accepted. The licence then expired on 30 May 2022. The applicant had requested to continue with their application for it to be considered by the Licensing Regulatory Panel.

The applicant's representative then gave their representations to the Panel.

It was explained to the Panel that due to the vehicle failing its first test and requiring minor repairs the applicant had not allowed for sufficient time to book a re-test, and also failed to understand the requirement for including the application fee within the timescale.

The vehicle had since been tested and had passed and the application completed in full.

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 Gaston moved the motion to grant the hackney carriage vehicle licence for one year.

This was seconded by Councillor H Harrington.

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

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

The Panel decided to grant the delegated authority to the Licensing and Compliance Specialist to grant the hackney carriage vehicle licence for a period of one year.

The Panel took the opportunity to emphasise that members had exercised their discretion today, but timely and complete applications were essential for the Authority to ensure that only safe vehicles were used as licensed taxis. It was every driver's responsibility to ensure this was completed within the prescribed timescales, and given the possible implications on a driver's livelihood, that should be an absolute priority.

The Panel acknowledged that the applicant had rectified their failure to pay the application fee within 1 day of the current Licence expiring and felt that not granting the Licence, given that the vehicle was determined as safe for use, would be disproportionate.

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 2.40 pm