

At a meeting of the Licensing Regulatory Panel held in Council Chamber, Allerdale House on Thursday 1 September 2022 at 2.00 pm

Members

Councillor Malcolm Grainger (Chair)
Councillor Patrick Gorrill
Councillor Adrian Kirkbride

Councillor Peter Kendall
Councillor Paul Scott

Staff Present

C Fleming, D Fletcher and G Roach

136. Election of Chair

Councillor M Grainger was elected Chair for the ensuing meeting.

137. Declaration of Interests

6. To consider an application to grant a hackney carriage driver licence. Councillor Adrian Kirkbride; Other Interest; Due to him knowing the applicant although not a close associate.
6. To consider an application to grant a hackney carriage driver licence. Councillor Paul Scott; Other Interest; Due to him knowing the applicant although not a close associate.

138. 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.

139. 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 in attendance.

The applicant had held a hackney carriage drivers licence since 2016, that licence had expired on 22 September 2021. An application for renewal had been made on 9 September 2021. The application was made without the required standard documentation and therefore it needed to be considered by

the Panel. The two tests – Knowledge test and Practical Driving test – both remained on the applicants licensing record.

The applicant had asked that the Panel consider the application and the extenuating circumstances.

The applicant made their representations to the Panel. They explained that they were not familiar or skilled in the use of technology which had hindered their application. They had requested assistance from a family member however deadlines had still been missed.

Members asked questions on the background of the applicants driving history and the current status of the documentation required.

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

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

Councillor P Kendall moved to grant the hackney carriage drivers licence for one year without the need for re-taking the Knowledge Test and Practical Driving Test.

This was seconded by Councillor P Scott.

A vote was taken, the motion was unanimously agreed.

The Licensing and Compliance Officer and applicant 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, the officer's report, representations from the applicant and advice from officers, and considered the relevant legislation.

The Panel decided to grant the delegated authority to the Specialist Licensing and Compliance Officer and the Senior Specialist Licensing and Compliance Officer to grant the hackney carriage drivers' license for a period of one year without the need for re-taking the Knowledge Test and Practical Driving Test.

The Panel acknowledge that the applicant had been somewhat hindered by the need to use technology to complete the application process. The Panel were satisfied that given what time had passed since the renewal date and today's Panel, that would not have had a detrimental effect on the applicants practical driving skills or knowledge, nor had the tests changed in such a manner that would require the applicant to undertake those again. As such, the applicant did not pose any risk to the safety of the travelling public.

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

140. 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 in attendance.

The applicant had held a hackney carriage drivers licence since 2006, that licence had expired on 3 August 2021.

An application for a new hackney carriage drivers licence for a three year period had been made. The application was made without the required standard documentation and therefore it needed to be considered by the Panel. The missing documents to that application were a medical check, a DBS check, a DVLA check and a Right to Work check. The applicant had asked that the Panel consider the application and the extenuating circumstances.

The applicant made their representations to the Panel. They explained a number of factors had impacted on the completion of the application process within the timescales, including the impact of the Covid pandemic on their businesses and the health of a family member.

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

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

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

Councillor P Kendall moved to grant the licence for three years following submission of the outstanding documents and without the need for re-taking the Knowledge Test and the Practical Driving Test.

This was seconded by Councillor A Kirkbride.

A vote was taken, the motion was unanimously agreed.

The Licensing and Compliance Officer and the applicant 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, the officer's report, representations from the applicant and advice from officers, and also considered the relevant legislation.

The Panel had decided to grant the delegated authority to the Specialist Licensing and Compliance Officer and the Senior Specialist Licensing and Compliance Officer to grant the hackney carriage drivers' license for a period of three years subject to the receipt of the Medical Check, Disclosure and Barring Service Check, DVLA Check and Right to Work - without the need for re-taking the Knowledge Test and Practical Driving Test.

The Panel was satisfied that given what time had passed since the renewal date and today's Panel, it would not have had a detrimental effect on the applicants practical driving skills or knowledge, nor had the tests changed in such a manner that would require the applicant to undertake those again. As such, the applicant did not pose any risk to the safety of the travelling public.

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

The meeting closed at 2.55 pm