

At a meeting of the Licensing Regulatory Panel held in Council Chamber, Allerdale House on Friday 6 January 2023 at 1.30 pm

Members

Councillor Peter Gaston
Councillor Peter Kendall

Councillor Jimmy Grisdale
Councillor Alan Smith

Apologies for absence were received from

Staff Present

D Fletcher, K Magnay and J Morgan

303. Election of Chair

Councillor J Grisdale was elected Chair for the ensuing meeting.

304. Declaration of Interests

None declared.

305. Questions

None received.

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

The Applicant 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 licensed as hackney carriage vehicle by a different licence holder. The applicant purchased the vehicle after the licence had expired.

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 advised members it was unknown to them when they bought the vehicle that the licence had expired, it only came known to them when they put the paperwork into Allerdale to transfer the licence.

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

The applicant was informed of the decision and its reasons.

Decision/Reasons

Members have 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 has decided to delegate powers to officers to grant the licence for one year, delegating the power thereafter to the Licensing and Compliance Officer for any subsequent renewal. Although the vehicle now falls outside the Vehicle Age Policy, it is now considered to meet the conditions outlined in section 3 of the Council's Vehicle Age Policy.

The Panel took account of the extenuating circumstances presented by the applicant. It considered the fact that when the applicant purchased the vehicle, they were unaware that it had expired. It also considered the fact that the applicant had acted quickly to ensure that work was done to ensure that the vehicle was compliant.

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

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

The Applicant did not attend the meeting.

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 hackney carriage vehicle. The vehicle was over four years old and was subject to the Vehicle Age Policy.

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

Members felt they couldn't consider the application in the applicant's absence due to there being no representation.

Councillor P Gaston proposed to defer the application

This was seconded by Councillor A Smith.

A vote was taken: 3 voted in favour of deferral, 0 against and 1 abstention.

The motion for deferral was carried.

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

Decision/Reasons

Deferred

308. To consider an application to grant a private hire vehicle

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

The Applicant 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 private hire vehicle licence for any period up to one year.

The vehicle was licensed as private hire vehicle and that licence had expired without a valid renewal application being made.

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 his representations and advised the panel he now has everything in place going forward and has employed a member of staff to deal with this to avoid this happening again.

The Licensing and Compliance Officer, the applicant 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 licence for one year.

This was seconded by Councillor P Gaston.

A vote was taken, the motion was unanimously agreed.

The motion was carried.

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

The applicant was informed of the decision and its reasons.

Decision/Reasons

Members have 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 has decided to delegate powers to officers to grant the licence for one year, delegating the power thereafter to the Licensing and Compliance Officer for any subsequent renewal. Although the vehicle now falls outside the Vehicle Age Policy, it is now considered to meet the conditions outlined in section 3 of the Council's Vehicle Age Policy.

The Panel took account of the extenuating circumstances presented by the applicant and the fact that he has taken steps to ensure that the vehicle is now compliant.

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

The meeting closed at 2.29 pm