



## **Regulatory Panel**

**Date:** Wednesday, 04 January 2023

**Time:** 16:00

**Venue:** Flensburg Room

**Present:** Councillor Ruth Alcroft, Councillor Mrs Marilyn Bowman, Councillor Keith Meller, Councillor Mrs Linda Mitchell, Councillor David Morton, Councillor Paul Nedved, Councillor Tim Pickstone, Councillor David Shepherd, Councillor Peter Sunter, Councillor Dr Les Tickner, Councillor Miss Jeanette Whalen, Councillor John Mallinson (for Councillor Ms Jo Ellis-Williams)

**Officers:** Senior Lawyer  
Licensing Manager  
Licensing Officers (x2)  
Democratic Services Support Officer (Observing)

### **RP.69/22 APOLOGIES FOR ABSENCE**

An apology for absence was submitted on behalf of Councillor Jo Ellis-Williams.

### **RP.70/22 DECLARATIONS OF INTEREST**

There were no declarations of interest submitted.

### **RP.71/22 PUBLIC AND PRESS**

It was agreed that any items of business in Part A be dealt with in public and any item of business in Part B be dealt with then the public and press were excluded.

### **RP.72/22 MINUTES OF PREVIOUS MEETINGS**

RESOLVED - That Council, at its meeting on 3 January 2023, received and adopted the minutes of the meeting held on 23 November 2022. The Vice Chair signed the minutes.

### **RP.73/22 HACKNEY CARRIAGE DRIVER- FAILURE TO PRODUCE REQUIRED DOCUMENTS**

The Licensing Officer submitted a report regarding a Hackney carriage Driver who failed to provide the Licensing Authority with required documents in order to ascertain his continued fitness and propriety to hold the Licence (GD.71/22).

The Hackney Carriage Driver was not in attendance. The Regulatory Panel agreed to hear the matter in his absence. The Hackney Carriage Driver had submitted a statement to be read in his absence. The statement disclosed that the Driver had recently received a medical diagnosis which had been unexpected and set out his personal position and the reasons he had not submitted the required forms. He was a licensed driver in a different licensing authority and was returning to Carlisle, therefore would be submitted the required documentation.

The Licensing Officer reported that the Hackney Carriage Driver's licence had commenced in June 2021 and expired in 2024. From April 2022 the Licensing Authority undertook DVLA checks via Know Your People and a mandate form was

sent to the Driver in March 2022. The Licensing Officers contacted him several times in the meantime; a new form had been provided for the Driver to check and sign, however the necessary information required to process the check had not been received.

A further letter was sent on 27<sup>th</sup> October 2022 notifying the Driver that the matter would be referred to the Regulatory Panel for consideration.

The Panel raised concerns regarding the fit and proper test that had to be applied to licenced drivers. They questioned whether the Driver had a recent medical examination for his licence. The Licensing Manager confirmed that Drivers were required to undertake a medical examination every three years, therefore the Driver would be due the next medical in 2024.

The Licensing Officer drew Members' attention to the legislation which they must take account of and set out the options for the Panel.

The respective parties then withdrew from the meeting whilst the Panel gave detailed consideration to the matter. The respective parties returned, and it was

RESOLVED - That the Panel Members had read report GD.71/22 and listened carefully to all the evidence heard today from the Council's Licensing Officer and considered the statement the Hackney Carriage Driver had submitted in his absence.

The Panel noted that the Driver had failed to provide his completed mandate form despite several reminders and a new form being sent to him.

Having carefully considered all the evidence before them, the Panel decided to:

Suspend the Hackney Carriage Driver's Licence until such times as he provides the required signed KYP mandate form and required to him to undertake a new medical examination.

The reasons for the decision were:

1. The Driver had failed to provide essential information to the Licensing Office despite numerous requests.
2. The Licensing Office were unable to carry out the necessary checks without the form and were thus unable to issue a licence.
3. The Panel had to be satisfied that the Driver was a fit and proper person to hold a Hackney Carriage Driver's licence.

#### **RP.74/22      HACKNEY CARRIAGE DRIVER- FAILURE TO PRODUCE REQUIRED DOCUMENTS**

The Licensing Officer presented a report regarding a Hackney Carriage Driver who failed to provide the Licensing Authority with required documents in order to ascertain his continued fitness and propriety to hold the Licence (GD.72/22).

The Hackney Carriage Driver was not in attendance. The Regulatory Panel agreed to hear the matter in his absence.

The Licensing Officer reported that the Hackney Carriage Driver's licence had commenced in August 2020 and expired in 2023. From April 2022 the Licensing Authority undertook DVLA checks via Know Your People and a mandate form was sent to the Driver in March 2022. The Licensing Officers contacted him several times in the meantime; a new form had been provided for the Driver to check and sign, however the necessary information required to process the check had not been received.

A further letter was sent on 27<sup>th</sup> October 2022 notifying the Driver that the matter would be referred to the Regulatory Panel for consideration.

The Licensing Officer reported that it was understood that the Driver was no longer driving.

The Licensing Officer drew Members' attention to the legislation which they must take account of and set out the options for the Panel.

RESOLVED - That the Panel Members had read report GD.72/22 and listened carefully to all the evidence heard today from the Council's Licensing Officer and noted that the Driver did not attend the Panel and was no longer driving.

The Panel noted that the Driver had failed to provide his completed mandate form despite several reminders and a new form being sent to him.

Having carefully considered all the evidence before them the Panel decided to revoke the Hackney Carriage Driver's Licence.

The reasons for the decision were:

1. The Driver had failed to provide essential information to the Licensing Office despite numerous requests.
2. The Licensing Office were unable to carry out the necessary checks without the form and were thus unable to issue a licence.
3. The Driver was no longer driving a Hackney Carriage and did not wish to attend the meeting.

#### **RP.75/22      HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER- FAILURE TO PRODUCE REQUIRED DOCUMENTS**

The Licensing Officer presented a report regarding a Hackney Carriage / Private Hire Driver who failed to provide the Licensing Authority with required documents in order to ascertain his continued fitness and propriety to hold the Licence (GD.73/22).

The Hackney Carriage / Private Hire Driver was not in attendance. The Regulatory Panel agreed to hear the matter in his absence.

The Licensing Officer reported that the Hackney Carriage Driver's licence had commenced in October 2021 and expired in 2023 and the Private Hire Licence commenced in 2020 and expired in 2023. From April 2022 the Licensing Authority

undertook DVLA checks via Know Your People and a mandate form was sent to the Driver in March 2022. The Licensing Officers contacted him several times in the meantime; a new form had been provided for the Driver to check and sign, however the necessary information required to process the check had not been received.

A further letter was sent on 27<sup>th</sup> October 2022 notifying the Driver that the matter would be referred to the Regulatory Panel for consideration.

The Licensing Officer reported that it was understood that the Driver was no longer driving but no contact had been made from the Driver regarding the issue or the referral of the matter to the Panel.

The Licensing Officer drew Members' attention to the legislation which they must take account of and set out the options for the Panel.

RESOLVED - That the Panel Members had read report GD.73/22 and listened carefully to all the evidence heard today from the Council's Licensing Officer and noted that the Hackney Carriage / Private Hire Driver did not attend the Panel and it was believed he was no longer driving.

The Panel noted that Hackney Carriage / Private Hire Driver had failed to provide his completed mandate form despite several reminders and a new form being sent to him.

Having carefully considered all the evidence before them the Panel decided to revoke the Hackney Carriage Driver's Licence and Private Hire Driver's Licence.

The reasons for the decision were:

1. The Driver had failed to provide essential information to the Licensing Office despite numerous requests.
2. The Licensing Officer were unable to carry out the necessary checks without the form and were thus unable to issue a licence.

The Meeting ended at: 16:29