

# AGENDA

## Regulatory Panel

**Wednesday, 04 January 2023 AT 16:00  
In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG**

### **APOLOGIES FOR ABSENCE**

To receive apologies for absence and notification of substitutions

### **DECLARATIONS OF INTEREST**

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any items on the agenda at this stage.

### **PUBLIC AND PRESS**

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

### **MINUTES OF PREVIOUS MEETINGS**

To note that Council, at its meeting on 3 January 2023, received and adopted the minutes of the meeting held on 23 November 2022. The Chair will sign the minutes

[Copy minutes in Minute Book Vol 49(4)].

## **PART A**

**To be considered when the Public and Press are present**

**A.1 HACKNEY CARRIAGE DRIVER- FAILURE TO PRODUCE REQUIRED DOCUMENTS 5 - 10**

The Licensing Manager to submit a report regarding a Hackney Carriage Driver who had failed to produce required.  
(Copy Report GD.71/22 herewith)

**A.2 HACKNEY CARRIAGE DRIVER- FAILURE TO PRODUCE REQUIRED DOCUMENTS 11 - 16**

The Licensing Manager to submit a report regarding a Hackney Carriage Driver who had failed to produce required.  
(Copy Report GD.72/22 herewith)

**A.3 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER- FAILURE TO PRODUCE REQUIRED DOCUMENTS 17 - 22**

The Licensing Manager to submit a report regarding a Hackney Carriage and Private Hire Driver who had failed to produce required.  
(Copy Report GD.73/22 herewith)

## **PART B**

**To be considered when the Public and Press are excluded from the meeting**

-NIL-

**Members of the Regulatory Panel:**

**Conservative** – Mrs Bowman, Ms Ellis-Williams (Chair), Mrs Mitchell, Meller, Morton, Shepherd, Bainbridge (sub), Mrs Mallinson (sub), J Mallinson (sub)

**Labour** – Alcroft, Sunter, Dr Tickner, Miss Whalen (Vice Chair), Birks (sub) Patrick (sub), Miss Sherriff (sub)

**Independent and Liberal Democrat** - Pickstone, Allison (sub)

**Independent Member for Stanwix and Houghton** - Nedved

Enquiries, requests for reports, background papers etc to:  
democraticservices@carlisle.gov.uk



Meeting Date: 4th January 2023  
 Portfolio: Finance, Governance and Resources  
 Key Decision: No  
 Within Policy and Budget Framework: No  
 Public / Private: Public

Title: Hackney Carriage Driver – Failure to produce required documents  
 Report of: Licensing Manager  
 Report Number: GD.71/22

**Purpose / Summary:**

Atila Eyin, a licensed Hackney Carriage Driver has failed to provide the Licensing Authority with required documents in order to ascertain his continued fitness and propriety to hold the Licence. Despite several attempts to communicate with Mr Eyin, the required checks have not been submitted and therefore referred to the Regulatory Panel to consider.

**Recommendations:**

To consider the content of the report and any representations made by the Licence Holder and come to a decision in line with the Options proposed in Paragraph 4.

**Tracking**

Executive:	N/A
Scrutiny:	N/A
Council:	N/A

## 1. LICENSING BACKGROUND

- 1.1. Atila Eyin has held a Hackney Driver licence since 2012. His current licence commenced 6 June 2021 and expires on 5 June 2024. (**Appendix 1**).

## 2. CURRENT ISSUE

- 2.1. From April 2022 the Licensing Authority undertake DVLA checks via Know Your People and a mandate form was sent to Mr Eyin in March 2022. We contacted him several times in the meantime and Mr Eyin was contacted again on the 5th October 2022 and a new form was provided for him to check and sign but to date we have not received the necessary information required to process the check.
- 2.2. Mr Eyin has been contacted on several occasions to request the information and to return the form to the Civic Centre and following an audit of checks by the Licensing Manager, the case was escalated.
- 2.3. As no contact was received by Mr Eyin, a letter was sent to him on 27<sup>th</sup> October 2022 notifying him that the matter would be referred to the Regulatory Panel for consideration. (**Appendix 2**)

## 3. LEGAL COMMENTS

- 3.1. Section 59 of the 1976 Act provides that a licensing authority shall not grant a Hackney Carriage Driver's Licence unless it is satisfied that the applicant is a fit and proper person to hold such a licence. Section 61(1)(b) enables the Panel to take action in respect of a driver if they consider that circumstances exist which mean that the driver is not, or is no longer, a fit and proper person to hold a driving licence.
- 3.2. While there is no statutory definition of 'fit and proper person', the Courts have given helpful guidance over the years and it is established that the objectives of the licensing regime are intended to ensure that licensed drivers are "suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience; sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers" (*McCool –v- Rushcliffe Borough Council [1998]*).
- 3.3. Mr Eyin has continually failed to meet the requirements of part of his Hackney Carriage Drivers Licences in a timely manner. He has failed to submit necessary documentation to the Licensing Department despite various reminders from the Council's Licensing Department.
- 3.4. Members need to consider whether Mr Eyin is, in light of these facts, a fit and proper person to continue to hold his licence. If not, it should be revoked. If the Panel feel that revocation is not necessary, it may consider whether a suspension or other lesser sanction is appropriate.

#### **4. OPTIONS**

**4.1.** Members are asked to consider the report and reach an agreement on the following options:

- Suspend Mr Eyin's Hackney Carriage Driver licence until such a time that he provides a signed KYP mandate form in order to undertake a check on his DVLA driving licence.
- In addition to the above, award Mr Eyin 4 penalty points for not providing the necessary paperwork in a timely manner. (4 points total)
- Revoke Mr Eyin's Hackney Carriage Driving Licence.

**Contact Officer: Nicola Edwards**

**Ext: 7025**

**Appendices**

**attached to report:**

1. Hackney Carriage Driver Licence HD184
2. Letter to Mr Eyin dated 27<sup>th</sup> October 2022

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:**

- None

**CORPORATE IMPLICATIONS:**

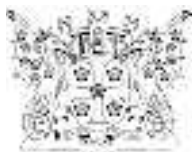
**LEGAL** – contained within report

**FINANCE** – None

**EQUALITY** – The public sector Equality Duty and Equality Policy has been considered by the service manager in preparing the recommendations

**INFORMATION GOVERNANCE** – None

City of



Carlisle

# Hackney Carriage Driver Licence **HD184**

Licence Holder

**Atila EYIN**



Date of birth

## Licence Validity

Valid from **06 Jun 2021** to **05 Jun 2024**

## **IMPORTANT NOTES**

**This licence is subject** to the provisions of the Town Police Clauses Act 1847, the bylaws made thereunder, the Local Government (Miscellaneous Provisions) Act 1976 and the Conditions attached to the licence made under it, the Transport Act 1985 and any other relevant Acts.

**The possession of this document** does not guarantee that the licence is in force. Its validity may be established by reference to the Council's Licensing Office.

**This licence is not transferable**

**Wheelchair Accessible**

**Non Wheelchair Accessible**

**Conditions applicable to this licence are attached.**

Licensing Manager

Dated: **04 Jun 2021**



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CITY COUNCIL



[www.carlisle.gov.uk](http://www.carlisle.gov.uk)

## Governance and Regulatory Services

**Corporate Director of Governance and Regulatory Services: M D Lambert**

**LLB (Hons), MBA**

Civic Centre Carlisle CA3 8QG Telephone (01228) 817000

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Mr A Eyin

Enquiries to: Nicola Edwards  
Direct Dial: 01228 817523  
email: [licensing@carlisle.gov.uk](mailto:licensing@carlisle.gov.uk)

27 October 2022

Dear Mr Eyin

Despite several reminders you have still not returned a signed KYP mandate form in order for the Licensing Authority to check the status of your DVLA licence. You were originally sent a mandate form in March 2022 and have been telephoned on several occasions since.

You were contacted most recently on 5<sup>th</sup> October 2022 and a new form provided for you to check and sign but still you have failed to supply the necessary information or attend the Civic Centre to sign the form.

I would remind you that the documentation is required, not for administrative purposes, but to ensure the safety of the travelling public. Your failure to submit documentation on time and as required does not allow the Council to properly discharge its duty to ensure public safety by being able to verify your continued fitness and propriety.

**The matter is therefore being referred to the Council's Regulatory Panel and a report will be prepared for the meeting of the Panel on 4<sup>th</sup> January 2023.** The Regulatory Panel will have the option to revoke or suspend your Licence. You will be sent a copy of the report in due course and will be invited to attend the meeting.

Please contact the Licensing Department on 01228 817523 or [licensing@carlisle.gov.uk](mailto:licensing@carlisle.gov.uk) if you have any questions about the content of this letter.

Yours sincerely

Nicola Edwards  
Licensing Manager



Meeting Date: 4th January 2023  
 Portfolio: Finance, Governance and Resources  
 Key Decision: No  
 Within Policy and Budget Framework: No  
 Public / Private: Public

Title: Hackney Carriage Driver – Failure to produce required documents  
 Report of: Licensing Manager  
 Report Number: GD 72/22

**Purpose / Summary:**

Daryl Mennell, a licensed Hackney Carriage Driver has failed to provide the Licensing Authority with required documents in order to ascertain his continued fitness and propriety to hold the Licence. Despite several attempts to communicate with Mr Mennell, the required checks have not been submitted and therefore referred to the Regulatory Panel to consider.

**Recommendations:**

To consider the content of the report and any representations made by the Licence Holder and come to a decision in line with the Options proposed in Paragraph 4.

**Tracking**

Executive:	N/A
Scrutiny:	N/A
Council:	N/A

## 1. LICENSING BACKGROUND

- 1.1. Daryl Mennell has held a Hackney Driver licence since 2017. His current licence commenced 30th August 2020 and expires on 29 August 2023. (**Appendix 1**).

## 2. CURRENT ISSUE

- 2.1. From April 2022 the Licensing Authority undertake DVLA checks via Know Your People and a mandate form was sent to Mr Mennell in March 2022. We contacted him several times in the meantime and Mr Mennell was contacted again on the 5th October 2022 and a new form was provided for him to check and sign but to date we have not received the necessary information required to process the check.
- 2.2. Mr Mennell has been contacted on several occasions to request the information and to return the form to the Civic Centre and following an audit of checks by the Licensing Manager, the case was escalated.
- 2.3. As no contact was received by Mr Mennell, a letter was sent to him on 27<sup>th</sup> October 2022 notifying him that the matter would be referred to the Regulatory Panel for consideration. (**Appendix 2**)

## 3. LEGAL COMMENTS

- 3.1. Section 59 of the 1976 Act provides that a licensing authority shall not grant a Hackney Carriage Driver's Licence unless it is satisfied that the applicant is a fit and proper person to hold such a licence. Section 61(1)(b) enables the Panel to take action in respect of a driver if they consider that circumstances exist which mean that the driver is not, or is no longer, a fit and proper person to hold a driving licence.
- 3.2. While there is no statutory definition of 'fit and proper person', the Courts have given helpful guidance over the years and it is established that the objectives of the licensing regime are intended to ensure that licensed drivers are "suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience; sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers" (*McCool –v- Rushcliffe Borough Council [1998]*).
- 3.3. Mr Mennell has continually failed to meet the requirements of part of his Hackney Carriage Drivers Licences in a timely manner. He has failed to submit necessary documentation to the Licensing Department despite various reminders from the Council's Licensing Department.
- 3.4. Members need to consider whether Mr Mennell is, in light of these facts, a fit and proper person to continue to hold his licence. If not, it should be revoked. If the Panel feel that revocation is not necessary, it may consider whether a suspension or other lesser sanction is appropriate.

#### **4. OPTIONS**

**4.1.** Members are asked to consider the report and reach an agreement on the following options:

- Suspend Mr Mennell's Hackney Carriage Driver licence until such a time that he provides a signed KYP mandate form in order to undertake a check on his DVLA driving licence.
- In addition to the above, award Mr Mennell 4 penalty for not providing the necessary paperwork in a timely manner. (4 points total)
- Revoke Mr Mennell's Hackney Carriage Driving Licence.

**Contact Officer: Nicola Edwards**

**Ext: 7025**

**Appendices**

**attached to report:**

1. Hackney Carriage Driver Licence HD285
2. Letter to Mr Mennell dated 27<sup>th</sup> October 2022

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:**

- None

**CORPORATE IMPLICATIONS:**

**LEGAL** – contained within report

**FINANCE** – None

**EQUALITY** – The public sector Equality Duty and Equality Policy has been considered by the service manager in preparing the recommendations

**INFORMATION GOVERNANCE** – None

City of



Carlisle

# Hackney Carriage Driver Licence **HD285**

Licence Holder

**Daryl Leyden MENNELL**



Date of birth

## Licence Validity

Valid from **30 Aug 2020** to **29 Aug 2023**

## **IMPORTANT NOTES**

**This licence is subject** to the provisions of the Town Police Clauses Act 1847, the bylaws made thereunder, the Local Government (Miscellaneous Provisions) Act 1976 and the Conditions attached to the licence made under it, the Transport Act 1985 and any other relevant Acts.

**The possession of this document** does not guarantee that the licence is in force. Its validity may be established by reference to the Council's Licensing Office.

**This licence is not transferable**

**Wheelchair Accessible**

**Non Wheelchair Accessible**

**Conditions applicable to this licence are attached.**

Licensing Manager

Dated: **27 Aug 2020**

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## Governance and Regulatory Services

**Corporate Director of Governance and Regulatory Services: M D Lambert  
LLB (Hons), MBA**

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Mr D L MENNELL

Enquiries to: Nicola Edwards  
Direct Dial: 01228 817523  
email: [licensing@carlisle.gov.uk](mailto:licensing@carlisle.gov.uk)

27 October 2022

Dear Mr MENNELL

Despite several reminders you have still not returned a signed KYP mandate form in order for the Licensing Authority to check the status of your DVLA licence. You were originally sent a mandate form in March 2022 and have been telephoned on several occasions since.

You were contacted most recently on 5<sup>th</sup> October 2022 and a new form provided for you to check and sign but still you have failed to supply the necessary information or attend the Civic Centre to sign the form.

I would remind you that the documentation is required, not for administrative purposes, but to ensure the safety of the travelling public. Your failure to submit documentation on time and as required does not allow the Council to properly discharge its duty to ensure public safety by being able to verify your continued fitness and propriety.

The matter is therefore being referred to the Council's Regulatory Panel and a report will be prepared for the meeting of the Panel on 4<sup>th</sup> January 2023. The Regulatory Panel will have the option to revoke or suspend your Licence. You will be sent a copy of the report in due course and will be invited to attend the meeting.

Please contact the Licensing Department on 01228 817523 or [licensing@carlisle.gov.uk](mailto:licensing@carlisle.gov.uk) [licensing@carlisle.gov.uk](mailto:licensing@carlisle.gov.uk) if you have any questions about the content of this letter.

Yours sincerely

Nicola Edwards  
Licensing Manager





Meeting Date: 4th January 2023  
 Portfolio: Finance, Governance and Resources  
 Key Decision: No  
 Within Policy and Budget Framework: No  
 Public / Private: Public

Title: Hackney Carriage Driver/Private Hire Driver – Failure to produce required documents  
 Report of: Licensing Manager  
 Report Number: GD.73/22

**Purpose / Summary:**

Robert Peel, a licensed Hackney Carriage and Private Hire Driver has failed to provide the Licensing Authority with required documents in order to ascertain his continued fitness and propriety to hold the Licence. Despite several attempts to communicate with Mr Peel, the required checks have not been submitted and therefore referred to the Regulatory Panel to consider.

**Recommendations:**

To consider the content of the report and any representations made by the Licence Holder and come to a decision in line with the Options proposed in Paragraph 4.

**Tracking**

Executive:	N/A
Scrutiny:	N/A
Council:	N/A

## **1. LICENSING BACKGROUND**

- 1.1. Robert Peel has held a Private Hire Driving Licence since 2020 and his current Private Hire Licence commenced on the 3rd November 2020 and expires on the 2nd November 2023. He also holds a Hackney Carriage Driver licence since 2021. His current Hackney Carriage Driving licence commenced 6th October 2021 and expires on 5th October 2024. (**Appendix 1**).

## **2. CURRENT ISSUE**

- 2.1. From April 2022 the Licensing Authority undertake DVLA checks via Know Your People and a mandate form was sent to Mr Peel in March 2022. We contacted him several times in the meantime and Mr Peel was contacted again on the 5th October 2022 and a new form was provided for him to check and sign but to date we have not received the necessary information required to process the check.
- 2.2. Mr Peel has been contacted on several occasions to request the information and to return the form to the Civic Centre and following an audit of checks by the Licensing Manager, the case was escalated.
- 2.3. As no contact was received by Mr Peel, a letter was sent to him on 27<sup>th</sup> October 2022 notifying him that the matter would be referred to the Regulatory Panel for consideration. (**Appendix 2**)

## **3. LEGAL COMMENTS**

- 3.1. Section 59 of the 1976 Act provides that a licensing authority shall not grant a Hackney Carriage Driver's Licence unless it is satisfied that the applicant is a fit and proper person to hold such a licence. Section 61(1)(b) enables the Panel to take action in respect of a driver if they consider that circumstances exist which mean that the driver is not, or is no longer, a fit and proper person to hold a driving licence.
- 3.2. While there is no statutory definition of 'fit and proper person', the Courts have given helpful guidance over the years and it is established that the objectives of the licensing regime are intended to ensure that licensed drivers are "suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience; sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers" (*McCool –v- Rushcliffe Borough Council [1998]*).
- 3.3. Mr Peel has continually failed to meet the requirements of part of his Hackney Carriage/Private Hire Drivers Licences in a timely manner. He has failed to submit necessary documentation to the Licensing Department despite various reminders from the Council's Licensing Department.

3.4. Members need to consider whether Mr Peel is, in light of these facts, a fit and proper person to continue to hold his licence. If not, it should be revoked. If the Panel feel that revocation is not necessary, it may consider whether a suspension or other lesser sanction is appropriate.

#### **4. OPTIONS**

4.1. Members are asked to consider the report and reach an agreement on the following options:

- Suspend Mr Peel's Hackney Carriage/Private Hire Driver licence until such a time that he provides a signed KYP mandate form in order to undertake a check on his DVLA driving licence.
- In addition to the above, award Mr Peel 4 penalty points for not providing the necessary paperwork in a timely manner. (4 points total)
- Revoke Mr Peel's Hackney Carriage Driving Licence/Private Hire Licence.

**Contact Officer: Nicola Edwards**

**Ext: 7025**

**Appendices  
attached to report:**

1. Private Hire Driver Licence PD083  
Hackney Carriage Driver Licence HD199
2. Letter to Mr Peel dated 27<sup>th</sup> October 2022

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:**

- None

#### **CORPORATE IMPLICATIONS:**

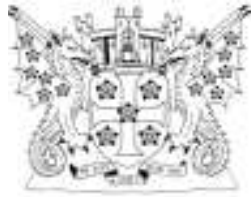
**LEGAL** – contained within report

**FINANCE** – None

**EQUALITY** – The public sector Equality Duty and Equality Policy has been considered by the service manager in preparing the recommendations

**INFORMATION GOVERNANCE** – None

City of



Carlisle

Private Hire Driver Licence

PD083

Licence Holder:

**Robert PEEL**

Date of birth

**Licence Validity**Valid from **03 Nov 2020** to **02 Nov 2023****IMPORTANT NOTES**

Carlisle City Council hereby license the person named above to drive licensed private hire vehicles.

**This licence is subject to** the provisions of the Town Police Clauses Act 1847, the bylaws made thereunder, the Local Government (Miscellaneous Provisions) Act 1976 and the Conditions attached to the licence made under it, the Transport Act 1985 and any other relevant Acts.

**The possession of this document** does not guarantee that the licence is in force. Its validity may be established by reference to the Council's Licensing Office.

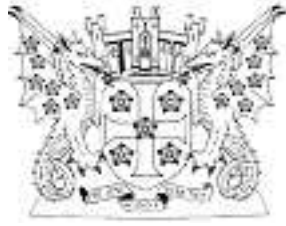
**This licence is not transferable**

**Conditions applicable to this licence are attached.**

Licensing Manager

Dated: **03/11/2020**

City of



Carlisle

# Hackney Carriage Driver Licence **HD199**

Licence Holder

**Robert PEEL**



Date of birth

## Licence Validity

Valid from **06 Oct 2021** to **05 Oct 2024**

## **IMPORTANT NOTES**

**This licence is subject** to the provisions of the Town Police Clauses Act 1847, the bylaws made thereunder, the Local Government (Miscellaneous Provisions) Act 1976 and the Conditions attached to the licence made under it, the Transport Act 1985 and any other relevant Acts.

**The possession of this document** does not guarantee that the licence is in force. Its validity may be established by reference to the Council's Licensing Office.

**This licence is not transferable**

**Wheelchair Accessible**

**Non Wheelchair Accessible**

**Conditions applicable to this licence are attached.**

Licensing Manager

Dated: **06 Oct 2021**

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## **Governance and Regulatory Services**

**Corporate Director of Governance and Regulatory Services: M D Lambert  
LLB (Hons), MBA**

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Mr R Peel

Enquiries to: Nicola Edwards  
Direct Dial: 01228 817523  
email: [licensing@carlisle.gov.uk](mailto:licensing@carlisle.gov.uk)

27 October 2022

Dear Mr Peel

Despite several reminders you have still not returned a signed KYP mandate form in order for the Licensing Authority to check the status of your DVLA licence. You were originally sent a mandate form in March 2022 and have been telephoned on several occasions since.

You were contacted most recently on 5<sup>th</sup> October 2022 and a new form provided for you to check and sign but still you have failed to supply the necessary information or attend the Civic Centre to sign the form.

I would remind you that the documentation is required, not for administrative purposes, but to ensure the safety of the travelling public. Your failure to submit documentation on time and as required does not allow the Council to properly discharge its duty to ensure public safety by being able to verify your continued fitness and propriety.

The matter is therefore being referred to the Council's Regulatory Panel and a report will be prepared for the meeting of the Panel on 4<sup>th</sup> January 2023. The Regulatory Panel will have the option to revoke or suspend your Licence. You will be sent a copy of the report in due course and will be invited to attend the meeting.

Please contact the Licensing Department on 01228 817523 or [licensing@carlisle.gov.uk](mailto:licensing@carlisle.gov.uk) [licensing@carlisle.gov.uk](mailto:licensing@carlisle.gov.uk) if you have any questions about the content of this letter.

Yours sincerely

Nicola Edwards  
Licensing Manager