

AGENDA

Regulatory Panel

Wednesday, 16 December 2020 AT 16:00

This meeting will be a virtual meeting and therefore will not take place in a physical location.

Virtual Meeting - Link to View

This meeting will be a virtual meeting using Microsoft Teams and therefore will not take place at a physical location following guidelines set out in Section 78 of the Coronavirus Act 2020.

Register of Attendance and Declarations of Interest

A roll call of persons in attendance will be taken and Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

Apologies for Absence

To receive apologies for absence and notification of substitutions

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 Meeting

3 - 4

The Chair will move the minutes of the meeting held on 18 November 2020 as a correct record. The only part of the minutes that may be discussed is their accuracy.

(Copy minutes herewith).

PART A

To be considered when the Public and Press are present

- NIL -

PART B

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

B.1 APPLICATION FOR A NEW PRIVATE HIRE DRIVER LICENCE

- Information relating to any individual;

Members of the Regulatory Panel:

Conservative – Bainbridge, Collier, Meller, Morton (Vice Chair), Nedved, Shepherd, Ellis (sub), Mrs Mallinson (sub), J Mallinson (sub)

Labour – Ms Ellis-Williams (Chair), Miss Sherriff, Dr Tickner, Patrick, Miss Whalen, Birks (sub), McNulty (sub),

Independent - Tinnion, Paton (sub)

Enquiries, requests for reports, background papers etc to:

Rachel Plant, Democratic Services Officer - rachel.plant@carlisle.gov.uk

REGULATORY PANEL

WEDNESDAY 18 NOVEMBER 2020 AT 4.00pm

PRESENT: Councillor Ms Ellis-Williams (Chair), Bainbridge, Ellis (as substitute for Councillor Collier), Meller, Morton, Nedved, Patrick, Shepherd, Miss Sherriff, Dr Tickner, Tinnion and Miss Whalen

OFFICERS: Assistant Solicitor
Licensing Manager
Regulatory Compliance Officer (Apprentice)

RP.23/20 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf on Councillor Collier

RP.24/20 DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

RP.25/20 PUBLIC AND PRESS

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

RP.26/20 MINUTES OF PREVIOUS MEETING

RESOLVED – It was noted that Council, at its meeting on 3 November 2020, received and adopted the minutes of the meetings held on 9 September 2020 and 14 October 2020. The Chair will sign the minutes at the first practicable opportunity.

RP.27/20 PUBLIC AND PRESS

RESOLVED – That in accordance with Section 100A(4) of the Local Government Act 1972 the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in the paragraph number (as indicated in brackets against the minute) of Part 1 of Schedule 12A of the 1972 Local Government Act.

RP.28/20 SUSPENSION OF HACKNEY CARRIAGE DRIVER
(Public and Press excluded by virtue of Paragraph 7)

During consideration of the item Councillor Shepherd experienced technical difficulties, he left the meeting and took no part in the decision.

The Licensing Manager submitted a report (GD.55/20) regarding a Hackney Carriage Driver who had been suspended under delegated powers within 3.1.2 of the City Council's Scheme of Delegation.

The Hackney Carriage Driver (the Driver) was in attendance.

The Assistant Solicitor outlined the procedure the Panel would follow. The Driver confirmed that he had received, read and understood the Licensing Manager's report. The Assistant Solicitor

advised the Driver that he had a right to be represented but he indicated that he did not wish to be so represented.

The Licensing Manager set out the Driver's licensing history and detailed the circumstances leading to the suspension.

The Driver addressed the Panel giving his understanding of the circumstances and the situation he was in.

The Driver responded to questions from the Panel.

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

The Driver confirmed that he had said everything he wanted to say.

RESOLVED – The Panel carefully considered and read the evidence in report GD.55/20 and listened carefully to the responses and heard from the Driver.

The Panel listened carefully to the Driver's account of the events.

The Panel decided to revoke the Driver's Hackney Carriage Driver Licence with immediate effect:

The reasons the Panel gave were:

1. The Panel had a duty of care to ensure public safety.
2. The Panel did not believe the Driver was a fit and proper person to hold a Hackney Carriage Licence due to the circumstances which led to the suspension.
3. The Driver was aware of the effect of his actions and this had not deterred his actions or prevented him from driving the following day.

[The meeting ended at 4.56pm]