



# AGENDA

## Regulatory Panel

**Wednesday, 06 July 2022 AT 14:00**  
**In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG**

### **APPOINTMENT OF CHAIR**

To appoint a Chair of the Panel for the 2022/23 municipal year.

### **APPOINTMENT OF VICE CHAIR**

To appoint a Vice Chair of the Panel for the 2022/23 municipal year.

### **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.

### **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.

## **MINUTES OF PREVIOUS MEETING**

**5 - 8**

To approve the minutes of the meeting held on 20 April 2022.  
(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 REFUSAL OF DOG BREEDERS LICENCE**

*This report is not for publication by virtue of Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 as it contains information relating to any individual.*

The Environmental Health Officer to submit a report regarding the refusal to grant a dog breeder's licence.  
(Copy Report GD.42/22 herewith)

#### **B.2 SUSPENSION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER**

*This report is not for publication by virtue of Paragraph 1 of Part 7 of Schedule 12A to the Local Government Act 1972 as it contains information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.*

The Licensing Manager to submit a report regarding the suspension of a Hackney Carriage / Private Hire Driver.  
(Copy Report GD.41/22 herewith)

**Members of the Regulatory Panel:**

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

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

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

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

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





**Regulatory Panel**

**Date:** Wednesday, 20 April 2022

**Time:** 14:00

**Venue:** Flensburg Room

**Present:** Councillor Mrs Marilyn Bowman, Councillor John Collier, Councillor Keith Meller, Councillor Mrs Linda Mitchell, Councillor David Morton, Councillor Peter Sunter, Councillor Dr Les Tickner, Councillor Miss Jeanette Whalen, Councillor Mrs Elizabeth Mallinson (for Councillor Stephen Higgs)

**Officers:** Assistant Solicitor  
Licensing Manager  
Regulatory Compliance Officer

**RP.14/22 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillor Stephen Higgs, Councillor David Shepherd and Councillor Lee Sherriff.

**RP.15/22 DECLARATIONS OF INTEREST**

No declarations of interest were submitted.

**RP.16/22 PUBLIC AND PRESS**

It was agreed that the items in Part A be dealt with in public and the items in private be dealt with in Part B.

**RP.17/22 MINUTES OF PREVIOUS MEETING**

A Member highlighted an error in the minutes on page 6 and requested the word 'hours' be inserted after 10.

RESOLVED - That the minutes of the meeting held on 16 March 2022 be agreed as a correct record subject to the following amendment in minute excerpt RP.13/22:

- Should their proposal be agreed it would result in drivers having to work at least 10 hours a week.

**RP.18/22 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 items of business on the grounds that they involved the likely disclosure of exempt information as

defined in the paragraph numbers (as indicated in brackets against the minutes) of Part 1 of Schedule 12A of the 1972 Local Government Act.

## **RP.19/22      APPLICATION FOR A NEW HACKNEY CARRIAGE LICENCE**

(Public and Press excluded by virtue of Paragraph 1)

The Regulatory Compliance Officer submitted a report (GD.24/22) regarding an application for a new Hackney Carriage Driver Licence.

The Applicant was in attendance.

The Assistant Solicitor outlined the procedure the Panel would follow. The Applicant confirmed that he had received, read and understood the Licensing Manager's report. The Assistant Solicitor informed the Applicant that he had the right to be represented, he confirmed he was happy to continue without representation.

The Regulatory Compliance Officer set out the Applicant's background and detailed the reason that the application had been brought to the Panel and set out some additional information which had been received since the publication of the report.

The Regulatory Compliance Officer responded to questions from the Panel confirming the circumstances of a previous DBS check and the reason why a medical had not been undertaken at this point.

The Applicant addressed the Panel. He gave more detail to the background of the application and his circumstance at the time compared to the current day. He apologised to the Panel for his previous actions.

The Applicant responded to questions from the Panel clarifying personal financial circumstances and medical information.

The Regulatory Compliance 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** - The Panel had carefully considered and read the evidence in report GD.24/22 and listened carefully to the submission and responses from the Applicant.

The Panel noted that the Applicant had previously held Hackney Carriage and Private Hire Driver's licences which had expired. The Panel noted that previous applications had been refused and the reasons for those refusals.

In considering the application the Regulatory Panel had to be satisfied that the Applicant was a fit and proper person to hold a Hackney carriage Driver's Licence.

The Panel decided to refuse the application as they did not consider the Applicant to be a fit and proper person to hold a Hackney Carriage Driver's Licence.

The reasons for the decision are:

1. It had been disclosed that the Applicant had obtained a conviction eight days prior to the application being considered by the Panel previously, this conviction had not been disclosed at the time.
2. The Panel could not be satisfied that the Applicant could be relied upon to be honest and transparent in the future based on the current and previous failures to disclose offences impacting the Applicant's driving licence.
3. The Panel were not satisfied, based on previous convictions and recent information, that the Applicant was fit and proper person to hold a licence.

The Applicant was informed that the decision would be sent to him in writing along with his right of appeal.

The Meeting ended at: 14:35

