

BOROUGH OF BARROW-IN-FURNESS

LICENSING REGULATORY SUB-COMMITTEE

Meeting: Monday, 11th July, 2022
at 1.00 pm. (Drawing Room)

A G E N D A

PART ONE

1. Apologies for Absence/Attendance of Substitute Members

2. Urgent Items

To deal with any items which the Chair considers to be of an urgent nature.

3. Delegations

To receive notice from Members who may wish to move any delegated matter non-delegated and which will be decided by a majority of Members present and voting at the meeting.

4. Admission of Public and Press

To consider whether the public and press should be excluded from the meeting during consideration of any of the items on the agenda.

5. Declarations of Interest

To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

6. Minutes

3 - 4

To confirm the Minutes of the meeting held on 13th June, 2022.

FOR DECISION

PART TWO

(D) 7. Hackney Carriage & Private Hire Driver

5 - 20

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 1 & 2 OF
PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT
1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**

NOTE (D) – Delegated
(R) – For Referral to Council

Membership of Committee

Councillors Callister
Hall
McEwan

For queries regarding this agenda, please contact:

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BOROUGH OF BARROW-IN-FURNESS
LICENSING REGULATORY SUB-COMMITTEE

Meeting: Monday 13th June, 2022
at 1.00 pm. (Drawing Room)

PRESENT:- Councillors Callister, Hall and McEwan.

Officers Present:- Graham Barker (Head of Public Protection), Katherine Benson (Senior Licensing Officer), Ivor Churcher (Commercial Team Leader) and Sandra Kemsley (Democratic Services Officer).

Others Present:- Paul O'Donnell (Local Authority Retained Solicitor)
PC Liam Oliver (Cumbria Constabulary)

1 – Appointment of Chair for 2022/2023

It was moved by Councillor McEwan that Councillor Callister be appointed Chair for 2022/2023. This was duly seconded and it was,

RESOLVED:- That Councillor Callister be appointed Chair of the Licensing Regulatory Sub-Committee for 2022/2023.

COUNCILLOR CALLISTER IN THE CHAIR

2 – The Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985 and Access to Information (Variation) Order 2006

Discussion arising hereon it was:-

RESOLVED:- That under Section 100A(4) of the Local Government Act 1972 the public and press be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1 and 2 (Minute No. 5) of Part One of Schedule 12A of the said Act.

3 – Declarations of Interest

Councillor McEwan declared an interest as his son is a policeman.

4 – Minutes

The Minutes of the meeting held on 29th April, 2022 were taken as read and confirmed.

5 – Review of Hackney Carriage and Private Hire Driver Licence

The Head of Public Protection reported on complaints received regarding a Licensed Hackney Carriage and Private Hire Driver. He set out details of the complaints and the Council's policy regarding such matters.

The Hackney Carriage and Private Hire Driver attended the meeting and addressed the Sub-Committee.

PC Liam Oliver, a representative from Cumbria Police attended the meeting and addressed the Sub-Committee.

Following detailed discussions between Officers, Members, the Police representative, and the Hackney Carriage and Private Hire Driver, it was moved by Councillor Callister and duly seconded to move into Part Two to enable a decision to be made. It was felt that holding discussions with Officers and the Hackney Carriage and Private Hire Driver present would, or would be likely to, inhibit substantially, the free and frank exchange of views for the purposes of deliberation. Private thinking space was essential to enable all facts, policies and legislation to be properly considered and appropriate legal advice obtained.

All parties with the exception of Councillors Callister, Hall and McEwan, Paul O'Donnell (Legal Representative) and Sandra Kemsley (Democratic Services Officer) withdrew and were readmitted to the meeting following the Sub-Committee's deliberations.

It was moved by Councillor McEwan and seconded by Councillor Hall, and

RESOLVED:- It was unanimously agreed to suspend the Hackney Carriage and Private Hire Driver Licences and his hackney carriage vehicle licence with immediate effect pending the fitting of a front facing dash-cam to the satisfaction of the Licensing Authority at which time the licence will be reinstated. This will be a permanent condition on his licences with the requirement to keep recordings for a minimum of 28 days.

The Committee made it clear that if is unable to provide dashcam footage when required to do so by officers investigating any future complaint, then they would be entitled to make a presumption against him that evidence was being withheld intentionally.

The meeting closed at 3.09 pm.

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