

**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.

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

Meeting: Monday 11th July, 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); and  
two members of staff from Brown Barron (Observers)  
PC Liam Oliver (Cumbria Constabulary).

**6 – 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.

**7 – Declarations of Interest**

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

**8 – Minutes**

The Minutes of the meeting held on 13th June, 2022 were taken as read and confirmed.

**9 – Review of Hackney Carriage and Private Hire Driver Licence**

The Head of Public Protection reported that at its meeting on 13th June, 2022 Members had considered a report on complaints received regarding a Licensed Hackney Carriage and Private Hire driver and it was unanimously agreed to suspend the Hackney Carriage and Private Hire Driver Licences and their 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.

On Monday 20th June, 2022 further information had been received regarding the Hackney Carriage and Private Hire driver. The Head of Public Protection's report set out details concerning the Hackney Carriage and Private Hire Driver and set out the Councils 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 all the Private Hire and Hackney Carriage Driver licences immediately in the interest of public safety and they are to remain suspended until he successfully completed a Council Approved Taxi Driving Test.

The meeting closed at 2.25 pm.