

LICENSING AND APPEALS SUB-COMMITTEE

Minutes of a meeting of the Licensing Sub-Committee held on 27 November 2019 in the Council Chamber, Council Offices, Holt Road, Cromer at 10.00 am.

Sub-Committee: Dr P Bütikofer (Chairman)
Mr H Blathwayt
Mr N Lloyd

Officers in Attendance: Licensing Enforcement Officer, Legal Advisor and Democratic Services & Governance Officer, Trainee Solicitor (observing)

Also present: Mr P Fisher (observing)

1 TO RECEIVE APOLOGIES FOR ABSENCE

None.

2 ITEMS OF URGENT BUSINESS

None.

3 DECLARATIONS OF INTEREST

None.

4 EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A (as amended) to the Act.

5 (WK/190015640) - APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

Present: Applicant

The Chairman introduced the Panel Members and Officers, and explained the procedure for the meeting.

The Licensing Enforcement Officer presented the report, which related to an application to drive Hackney Carriage or Private Hire Vehicles in North Norfolk where there were matters relating to the Applicant's medical report which required consideration. An extract from the DVLA guidance for medical practitioners which was relevant to this case was circulated to the Sub-Committee.

The Licensing Enforcement Officer reported that the Applicant's DBS check and references had been received and were acceptable. Copies of the references were circulated.

The Applicant answered Members' questions relating to his medical condition. He explained the background and how he had sought help in dealing with the condition. Although it had been difficult, he had worked hard to overcome the problems and was doing well. He also answered questions relating to his previous employment, recent redundancy and caring responsibilities.

The Applicant confirmed that he felt fit enough to deal with taxi work. He said that he had always been good with the public and considered that he could handle the stress of driving a taxi. He preferred to work in the evenings because of his caring responsibilities. Most jobs would be around the local area and his prospective employer did not often carry out runs to the nightclubs in Norwich. He was trained to deal with difficult people and had previously been a shop steward.

The Licensing Enforcement Officer asked the Applicant why his medical had been undertaken in Ipswich. The Applicant explained that his prospective employer was desperate for drivers. He could not get a private appointment with his GP in time and Spire in Norwich no longer carried out the tests, but he was able to get an appointment in Ipswich. The doctor who carried out the test had access to his full medical history.

The Sub-Committee retired at 10.20 am and returned at 11.20 am.

The Chairman read the determination.

RESOLVED

That the licence be granted for a period of one year and that the Applicant is required to supply an up-to-date medical certificate within 6 months.

6 (WK/190014697) - REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

Present: Licence Holder and Licence Holder's mother

The Chairman introduced the Panel Members and Officers and explained the procedure for the meeting.

The Licensing Enforcement Officer presented the report, which related to the review of a Licence to drive Hackney Carriage or Private Hire Vehicles in North Norfolk where the Licence Holder had failed to supply a current DBS report. The licence had been suspended pending receipt of the DBS.

Councillor H Blathwayt asked what "suspended" meant in this context.

The Licensing Enforcement Officer explained that the worksheet had been marked as "licence not live" on the Council's database. No action had been taken against the Licence Holder.

The Sub-Committee questioned the Licence Holder as to why he had not provided a DBS certificate.

The Licence Holder explained that his licence had expired while he was unwell and, with his permission, his employer had renewed his licence and taken the cost from his wages. He had not been able to afford to renew the DBS. He had been unable

to drive due to his illness and had requested a refund of his licence fee, which had been refused.

The Licensing Enforcement Officer answered questions with regard to the process for obtaining a DBS certificate. She also explained that although the Licence Holder had a current DBS certificate with another authority, he had not subscribed to the update service and therefore the DBS was not portable to NNDC.

The Chairman asked who had signed the application form for the licence renewal. The hearing was briefly suspended to allow the Licensing Enforcement Officer to provide copies of the application form and supporting documentation. The application form bore the Licence Holder's signature. The Licence Holder confirmed that his employer had completed the form and he had signed it.

Councillor N Lloyd asked if normal procedure had been followed in issuing a licence and how long the procedure had been in place. The Licensing Enforcement Officer confirmed that the procedure had been followed and it had been in place since 2012.

The Legal Advisor asked what the Council's policy was for retaining licences which were not used, and if the Council retained ownership of expired licences. The Licensing Enforcement Officer explained that licences were held in a safe until they had expired or the appropriate documentation had been supplied. It was stated on the licences that they remained the property of NNDC.

During the hearing, the Licence Holder and his mother made comments and expressed concerns in relation to the following matters:

- The licence should not have been issued without a DBS certificate.
- Why had the process taken so long when there was only a month's grace period?
- Without a DBS check there was no proof that the Licence Holder had not committed any offence(s).
- If an initial application is declined, the applicant gets a refund. The applicant had been told by his employer that he would be unlikely to get the licence but that he would get his money back.
- He had done the right thing by not driving.
- He did not want the licence as he was not going to drive a taxi. He just wanted his money back.
- He was not going to provide a DBS as he did not want the licence.
- He was not giving the licence back until he had received a refund. He had been told by a solicitor and by the Police that it was a civil matter and that nobody could take the licence from him.
- The licence had expired while the Licence Holder was ill, and he and his employer should have been aware of it. However, an application had been submitted as soon as he realised it had expired.
- There were genuine circumstances as to why he had not applied for the DBS.
- He denied that any appointments had been made with him regarding the DBS.

The Sub-Committee retired at 12.17 pm and returned at 12.43 pm.

The Chairman read the determination. The Panel had only considered the taxi licence and could not discuss matters of a civil nature. However, a further written response would be provided by the Council to address some of the concerns and

claims made by the Licence Holder.

RESOLVED

That the licence be revoked.

The meeting ended at 12.50 pm.

Chairman