

LICENSING SUB-COMMITTEE

Minutes of the meeting of the Licensing Sub-Committee held on Wednesday, 6 May 2020 hosted remotely by video conference at the Council Offices, Holt Road, Cromer, NR27 9EN at 10.00 am

Committee Dr P Bütikofer (Chairman except for minute 7)
Members Present: Mr N Lloyd
Dr P Bütikofer Mr N Lloyd
Mr J Rest

1 TO RECEIVE APOLOGIES FOR ABSENCE

None.

2 ITEMS OF URGENT BUSINESS

None.

3 DECLARATIONS OF INTEREST

None.

4 EXCLUSION OF PRESS AND PUBLIC

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/200008070) - APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

Present: Applicant (attending remotely)

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting. She reminded the Sub-Committee that the hearing was being conducted remotely via Zoom and must be conducted fairly and reasonably in line with the applicant's right to a fair trial under Article 6 of the Human Rights Act 1998.

The Members of the Panel introduced themselves.

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 on the Applicant's DBS check which required consideration. She drew attention to Section 8 of the application form (Offences and Accidents) to which the applicant had answered 'no', and to the DBS summary which outlined his convictions. She stated that the driving offence shown on the Applicant's DVLA check would be removed from his driving record on 9 May 2020.

The Applicant explained the background to his convictions, which had occurred when he was a minor, and said that he was a better person now. He also explained how his driving offence had occurred and said that he had made a stupid mistake.

The Licensing Enforcement Officer confirmed that the Applicant's convictions had all occurred when he was a youth.

The Applicant answered Members' questions in respect of his driving and employment history.

In response to questions as to why he had not declared his convictions on his application form, the Applicant explained that he had not read the question properly and thought it related to pending convictions. He did not realise that the offences would appear on his DBS as he had been young when they happened. He stated that he had explained everything when he had attended his interview with a Licensing Officer.

The Licensing Enforcement Officer pointed out that he had declared his driving offence on the application form.

There being no further questions, the Sub-Committee retired at 10.30 am to consider its decision. The Applicant was informed that he would receive the decision notice in writing within 5 days but the Licensing Enforcement Officer would call him as soon as possible to let him know the decision.

RESOLVED

That the licence be granted.

6 (WK/200008268) - APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

Present: Applicant (attending remotely)

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting. She reminded the Sub-Committee that the hearing was being conducted remotely via Zoom and must be conducted fairly and reasonably in line with the applicant's right to a fair trial under Article 6 of the Human Rights Act 1998.

The Members of the Panel introduced themselves.

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 on the Applicant's DBS check which required consideration. She drew attention to Section 8 of the application form (Offences and Accidents) to which the applicant had answered 'no', and to the DBS summary which outlined his convictions. She also drew attention to the Applicant's medical report which indicated an ongoing medical condition, and stated that the Applicant's Doctor had certified him as fit to drive.

The Applicant explained the background to his conviction, which had occurred 23 years previously. He had not declared it on the application form as he had received a conditional discharge and did not realise that it was a proper conviction.

The Applicant answered Members' questions relating to his conviction and medical condition, and explained why he wanted a licence to drive a taxi.

There being no further questions, the Sub-Committee retired at 11.00 am to consider its decision. The Applicant was informed that he would receive the decision notice in

writing within 5 days but the Licensing Enforcement Officer would call him as soon as possible to let him know the decision.

RESOLVED

That the licence be granted.

7 (WK/200009143) - APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

This hearing was chaired by Councillor J Rest due to issues with Councillor P Bütikofer's remote link.

Present: Applicant (attending remotely)

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting. The Chairman explained that the Applicant would receive the decision notice in writing within 5 days but the Licensing Enforcement Officer would call him as soon as possible to let him know the decision. Towards the end of explaining the procedure, the Legal Advisor had technical issues and exited the meeting.

The Chairman and Councillor Lloyd introduced themselves. The Chairman informed the Applicant that Councillor Bütikofer was also in attendance but due to problems with the remote technology he was able to listen but not speak. He assured the Applicant that he would get a full hearing.

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 on the Applicant's DBS check which required consideration. She drew attention to Section 8 of the application form (Offences and Accidents) relating to convictions which had been ticked 'yes', the offences on the Applicant's DBS summary and to two driving offences listed on his DVLA check.

The Applicant acknowledged that he had quite a few convictions but said that he had turned over a new leaf. He had filled in the form in the way that he had as he was not sure if any of his convictions would prevent him from getting a licence to drive taxis.

The Legal Advisor re-joined the meeting.

The Chairman asked the Officers to explain why all the offences were relevant to this case.

The Licensing Enforcement Officer explained that the taxi driving profession was exempt from the Rehabilitation of Offenders Act 1974 and that all offences remained relevant, regardless of whether or not they were otherwise 'spent'. This was made clear in Section 14 of the application form.

The Chairman asked the Legal Advisor to clarify a matter of procedure which had been unclear due to problems with her remote link.

The Legal Advisor reminded the Sub-Committee that the hearing was being conducted remotely via Zoom and must be conducted fairly and reasonably in line with the applicant's right to a fair trial under Article 6 of the Human Rights Act 1998.

Councillor N Lloyd stated that one of the Sub-Committee's responsibilities was to ensure the safety of the public. He referred to the Applicant's criminal record and asked him to explain what he had been doing in the period when his offending took place and any mitigation for that behaviour, and what he had done since his final conviction.

The Applicant explained his difficult background which had led to the offending. He tried not to remember the difficult period and wanted to move forward and leave his past behind. He outlined the jobs he had done since the last offence, and explained that an injury had left him unable to continue in employment. He now wanted a job that did not put too much strain on his body.

The Licensing Enforcement Officer asked the Applicant if he had received an offer of employment by a taxi operator as he had not indicated this on his application form.

The Applicant explained that he intended to work for himself.

The Legal Advisor asked the Licensing Officer to briefly outline the Licensing Report as she was not present for his part of the hearing due to technical difficulties. The Licensing Officer provided a summary as requested.

The Chairman noted that the offending had occurred when the Applicant was under 20 years of age. He asked the Applicant how he would handle difficult customers.

The Applicant responded that he would have to deal with difficult customers professionally and calmly, and if being polite did not work he would call the Police. He said he could deal with some obnoxiousness, but could not drag people out of his car and had to leave others to enforce the rules.

The Chairman asked if the Applicant thought a period of working for another taxi firm would be beneficial.

The Applicant stated that he could see the point of working for others, but he did not want to be governed by anyone else. He had spoken to people in the taxi trade about the business and had been offered a client list by a former taxi operator.

The Chairman questioned the Applicant with regard to his ability to ensure the maintenance and upkeep of his vehicle, which could be expensive.

The Applicant explained how he could finance his business and why he considered this would not be a problem for him.

The Chairman stated that Councillor Bütikofer had messaged some questions but they had been answered. Councillor Bütikofer was able to speak briefly to confirm that he had heard what the Applicant had said.

At the invitation of the Chairman, the Applicant made a closing statement that he was still on the straight and narrow and was trying to keep things afloat and make a change. It had taken time, effort and money to apply for his licence. He enjoyed meeting people and was a people person. There were many people who needed help in the current circumstances and he wanted to be able to help them. He apologised for his past.

There being no further questions, the Sub-Committee retired at 12.15 to consider its decision.

RESOLVED

That the application be refused.

The meeting ended at 12.15 pm.

Chairman