

LICENSING SUB-COMMITTEE

Minutes of the meeting of the Licensing Sub-Committee held on Wednesday, 26 January 2022 at the Council Chamber - Council Offices at 11.30 am

Committee Mr H Blathwayt (Chairman) Mr P Fisher (Item 6)
Members Present: Mr N Lloyd (Item 5) Mr J Rest

Officers in Attendance: Licensing Enforcement Officer
Trainee Solicitor
Democratic Services Manager
Democratic Services Officer (Regulatory)

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/210014927) - REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

Present: Licence Holder and their Partner.

The Members of the Panel and Officers introduced themselves.

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting.

The Licensing Enforcement Officer presented the report, which related to a review of a Private Hire Operator's Licence and Private Hire Vehicle Licence.

In response to questions by Cllr N Lloyd, the Licensing Enforcement Officer advised that there was no time limit for information and evidence which may be presented to aid the local authority in determining the suitability of an individual to hold a taxi license.

The Licence Holder was invited by the Chairman to make his statement. He commented that the 2013 complaint related to a malicious report from a previous partner, and that he was unable to confirm the accuracy of the 2016 complaint, however did not dispute the complaint due to a lack of evidence. The Licence Holder provided evidence to the Panel, attesting to his actions with relation to the 2021 complaint, including character references, photos of his diary and ledger book as well as a digital record of his movements, and asserted the 2021 complaint did not accurately reflect his daily taxi records.

The Licensing Enforcement Officer confirmed she had not had prior sight of any documents, statements of support or evidence supplied by the License Holder at the meeting. The Panel advised they would reflect on any new evidence when they retired to consider the matter in private.

Following questions from Cllr J Rest, the Licence Holder advised that he had not operated any other taxi in 2021, not had he worked for another organisation.

Cllr N Lloyd questioned if the 2021 had been an existing customer. The License Holder commented he first met the 2021 complainant sometime after the complaint was alleged to have taken place, which could be corroborated with his daily taxi record. He advised that he had been interviewed by the police regarding the allegation, and that there had been no further investigation or action. The Licensing Enforcement Officer advised she was unaware that no further action had been taken.

The Chairman asked the Licensing Enforcement Officer as to the condition of the License Holders records, who responded that the License Holders records were neat and well-maintained, and noted the inconsistencies between the 2021 Complaint and the License Holders diary.

The Chairman asked the License Holder about the 2013 complaint. The License Holder commented that the complaint related to an ex-partner and that he had met with the Council at the time to discuss the matter, which had not called to a meeting of the Licensing Sub-Committee.

Cllr J Rest asked the License Holder whether he had surveillance equipment in and on his taxi. The License Holder advised he did not have any, but that he would be willing to put CCTV equipment in the vehicle, noting the vulnerability of taxi drivers to be able to verify their version of events.

The Panel retired at 12.00pm and returned at 1.05pm.

The Chairman read out the decision to the License Holder and explained that the Panel considered the 2013 and 2021 complaints against the License Holder and placed considerable emphasis in respect of the protection of the public and in particular vulnerable taxi passengers. It was reiterated that safeguarding is the utmost priority for the Licensing Sub-Committee and the Council more broadly as a licensing authority. The Panel acknowledged that the Police, after interviewing the Licensing Holder, did not find need for further investigation, and the burden for the Police with respect of criminal complaints is higher than that of the Panel.

The Panel had due regard to submissions by the Licensing Officer, and acknowledged that the License Holders records were kept to a high standard, and that the 2021 complaint did not reflect his prior written taxi records.

In conclusion, the Chairman stated, having considered the relevant written and oral evidence before it, the Sub-Committee deemed the License Holder to be a fit and proper person to hold a taxi license. The Sub-Committee recommended to the License Holder the proper use of surveillance in and on his taxi.

RESOLVED

No further action to be taken

The Panel retired at 1.13pm and returned at 1.41pm

6 (WK/210014393) - APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

Present: License Applicant, their Legal Representative (LALR) and two witnesses.

The Members of the Panel and Officers introduced themselves.

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting. It was agreed with the Panel to permit the individual witnesses to make their representations at the hearing in turn, and that they would be invited into the meeting for this purpose only.

The Licensing Enforcement Officer presented the report, which related to an application for a 'License to Drive Hackney Carriage or Private Hire Vehicle's in North Norfolk'. She detailed the application received on 21st October 2021 and the process required the Council to consult with other relevant authorities. A Disclosure Barring Service report had subsequently been received in respect of the Applicant, which contained details about the Applicant which merited further consideration. It was noted that this was the second application for a license made by the Applicant, having previously been refused by the Licensing Sub-Committee in May 2020.

The LALR, on behalf of the Applicant, made a representation to the Panel. He referred to his client's previous application and subsequent refusal, and advised that character reference statements and representations from two independent persons were available for the Panel to aid with their assessment whether the Applicant was a fit and proper person to hold a license, which were not available at the previously held Sub-Committee hearing in May 2020. The LALR commented on the historic nature of the offending and that his client had reformed his character and behaviour. He added, that through his client's second application for a taxi license he had demonstrated a real commitment to the occupation.

At the discretion of the Chairman, the LALR asked his client a series of questions relating to the background to his convictions which had occurred when he was a minor. The Applicant explained the difficult circumstances that occurred before he was 20 years old which had resulted in him fitting in with the wrong crowd and led to a series of offences. He outlined the changes which had enabled him to turn his life around for the better including having a stable family life. He explained that an injury had left him unable to continue in his previous employment and now wanted a job that did not put too much strain on his body. He stated he enjoyed driving and was a good and competent driver and would like the opportunity to make a living out of this.

Cllr J Rest asked a series of questions to the Applicant relating to his medical condition, employment status, and whether he had an offer of employment if granted a License. The Applicant advised his medical condition did not restrict him from driving and that both the DVLA and his insurance provider were aware of his medical condition. He commented that he was currently self-employed, and that he had a verbal offer of employment from a taxi operator should he be successful in obtaining a License, though nothing in writing.

Cllr P Fisher asked how the Applicant would deal with difficult customers. The Applicant advised he lived in close proximity with a pub, and was used to interacting with intoxicated individuals who he had to, from time to time, ask to be quiet or to move on. As with these interactions he commented that he would treat all customers with kindness and respect, and address matters in a logical and polite way, affirming he could manage challenging interactions.

The Licensing Enforcement Officer sought further clarification over the Applicants medical condition, and if improvements could be made. The Applicant advised he was in consultation with his doctor, and detailed treatment options.

Witness 1 called to the hearing at 2.24pm

The Panel asked the witness to verify their statement, and the nature of their relationship with the Applicant. The witness confirmed he had previously employed the Applicant, and spoke positively of both the Applicant as an individual and of the quality his work. He added that he would be happy with the Applicant driving both him and his family.

Witness 1 left the hearing at 2.29pm.

Witness 2 called to the hearing at 2.30pm.

The Panel asked the second witness to verify their statement and the nature of their relationship with the Applicant. The witness commented that she did not drive and had relied on the Applicant to drive her to appointments. She commented she had known the Applicant for many years and commended the Applicant on his change of character, and of his maturity.

Witness 2 left the hearing at 2.35pm

The Chairman asked the Applicant about his drug conviction. The Applicant advised he had not consumed drugs in many years, nor did he have any inclination to do so. He commented that this had been reflected in medical tests undertaken by his previous employer, and in his applications for a taxi license.

The LALR noted the willingness of the witnesses to take time out of their day, at very short notice, to speak on the exemplary character of his client. He commented that his client did not appear on the restricted list for the Disclosure Barring Service, as this would have appeared in the enhanced certificate. The Licensing Enforcement Officer confirmed that the Council check both barred lists.

The LALR referred to the NNDC Taxi Handbook, Section 20.2 “Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly” and noted of his clients commitment to pursue this occupation.

The Panel retired at 14.45 and returned at 4.05pm.

The Chairman recited the decision notice to the License Applicant and explained that the Panel considered the Applicants previous convictions, and although convictions are never considered spent under taxi licensing regime, the Panel acknowledged the Applicant appears to have truly reformed his character and behaviour over multiple years.

The Panel acknowledged the 2019 speeding offence and had reviewed the North Norfolk District Council, Hackney Carriage and Private Hire Policy and Handbook for guidance. The Panel noted that the Applicant had not received more than 2 motoring convictions within the last two years and were satisfied the Applicant was a sound and responsible driver.

The Panel were concerned about the Applicants medical condition, as this was a long standing issue which had prevented him from particular strenuous jobs. Following questions over the impact of his condition, the Panel were satisfied that the Applicant is appropriately insured, seeking medical treatment to resolve the issue and that the DVLA medical is suitable.

The Panel considered the weight of the five written and signed statements attesting to the high level of trust those individuals had in the Applicant, of his positive character and reformed nature.

The Chairman concluded, having considered the relevant written and oral evidence before it, the Sub-Committee deemed the Applicant to be a fit and proper person to hold a license.

RESOLVED

That the license be GRANTED.

The meeting ended at 4.17 pm.

Chairman