

## **LICENSING SUB-COMMITTEE**

**Minutes of the meeting of the Licensing Sub-Committee held on Monday, 11 April 2022 at the Council Chamber - Council Offices at 10.00 am**

### **Committee**

#### **Members Present:**

Mr N Pearce (Chairman)                      Mrs E Spagnola  
Mr G Mancini-Boyle

#### **Officers in Attendance:**

Licensing Enforcement Officer  
Legal Advisor  
Democratic Services Officer – Regulatory

### **14 TO RECEIVE APOLOGIES FOR ABSENCE**

None.

### **15 ITEMS OF URGENT BUSINESS**

None.

### **16 DECLARATIONS OF INTEREST**

None.

### **17 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A (as amended) to the Act.

### **18 (WK/220002614) - APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK**

Present: Licence Applicant & Regional Director for Taxi Company.

The Chairman, 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 Officer introduced the application and her report to the Panel. She affirmed that as part of the application process, the Applicant was required to make disclosure of previous convictions. The Applicant subsequently disclosed one motoring offence in his application form and detailed of this were contained within Disclosure Barring Service section of the report.

Cllr E Spagnola asked about the circumstances surrounding the DUI. The Applicant explained that that he was in the process of grieving for his deceased Father which impaired his judgement in relation to consuming alcohol and operating a motor vehicle. He expressed strong remorse for his actions and stated the subsequent conviction is not indicative of his character since.

The Licensing Officer outlined that the Applicant had declared he had a DUI offence on his application form from 2018. The Applicant explained this this was a typo, and he was unsure when the offence actually occurred

The Licensing Officer noted that the Council were still awaiting both references for the Applicant, she stated that the report had been put together pending the references due to deadlines and it had been anticipated that these would be received prior to the meeting. The Applicant stated that one of his references have been busy with work and the other tried to send the reference to the Council but experienced technical difficulties.

The Chairman sought clarity if the Sub-Committee could place a condition on awarding the license for the Applicant that this be subject to the receipt of appropriate references. The Licensing Officer confirmed this was within the Members gift, this was supported by the Legal Advisor. The Chairman thanked both officers for their guidance and affirmed he was happy to proceed with the meeting without this administrative processed being concluded.

The Chairman acknowledged the difficult circumstances incurred by the Applicant and determined that it must have taken the Applicant a long time to recover from them. The Applicant advised that the drink driving incident occurred in his own time, and not whilst he was working, and that whilst he lost his position as a delivery driver, he had been retained by the same company following the loss of his license. He confirmed he had never considered drinking again following the events.

The Licensing Officer informed Members that the operations for the Applicants employer were being moved from Uttlesford to within the district, and the licenses of all vehicles and drivers were being transferred to North Norfolk. The nature of this business was primarily for school contracts and for transporting children who had learning difficulties or behavioural difficulties.

The Chairman asked the Applicant about his night time driving. The Applicant affirmed he was a competent night time driver and was used to driving on difficult, dangerous and narrow roads.

*The Regional Manager, acting as a witness for the Applicant, was invited to the meeting and invited to comment.*

The Regional Manager affirmed that the Applicant had been employed within his organisation for several years, and stated as an employer he had undertaken due diligence and made its own risk assessment regarding the Applicant, and were assured that he was of low risk. He reflected that the nature of the business was for the transportation of vulnerable children with difficulties to and from school. The Regional Manager advised that the contract and route which the Applicant was currently operating was in place till 2024, and it was considered to be beneficial to those children that the Applicant be able to continue his work. He affirmed that the Applicant was appropriately insured and that there had been no driving incidents since the historic DUI. He acknowledged that the driving offence was a blemish on the Applicants history, but that he was confident in the Applicant being a low risk,

with 3 years of proven experience with the company.

The Chairman thanked the Regional Manager for his representation, which he considered to serve as an active reference.

The Chairman asked the Sub-Committee if they had any additional questions and if the Applicant wished to make a closing statement.

The Sub-Committee retires at 10.35am and returned at 11.11am.

The Chairman read allowed the formal decision notice and stated in deciding the application, the Sub-Committee considered the report from the Licensing Officer, as well as the written and oral evidence put forward at the hearing.

The Sub-Committee considered the Applicant's previous conviction for driving a motor vehicle with excess alcohol, and although convictions are never considered spent under the taxi licencing regime, the Sub-Committee acknowledged that the Applicant's record since the end of the disqualification period in 2012 does not contain any additional offences, either minor or major. There is also no evidence that the Applicant has or is currently dependant on alcohol.

Reference was made to the Council's Hackney Carriage and Private Hire Policy and Handbook, namely, Annex B – Guidelines Relating to the Relevance of Convictions Hackney Carriage & Private Hire Licensing and the provisions concerning disqualification from driving following a conviction for a major traffic offence. Further to the paragraph above, this Sub-Committee notes that the Applicant has been conviction free for a period of between 3 and 5 from the restoration of his DVLA licence.

This Sub-Committee can reasonably conclude that the Applicant is currently a sound and responsible driver. The Sub-Committee values his existing work with special need school children and understand his specialist role in transporting them whilst maintain a rapport and trust with the children, school staff and their parents.

The Sub-Committee placed weight on the Applicant's remorseful stance towards his past offence and appreciated that his conduct since is reflective of this.

The Sub-Committee placed weight on the oral testimony and employer reference which provided valuable insight into the working relationship with the Applicant that had existed for three years. He emphasised that his company carries out the highest due diligence in relation to their drivers and that The Applicant's record is without blemish since his time at the Company.

The Sub-Committee considered the demeanour and conduct of the Applicant at this hearing and determined that he approached this matter with the necessary seriousness, tact and accountability which further reflect his suitability to drive a taxi in North Norfolk.

Having considered relevant written and oral evidence before it, the Sub-Committee deemed that the Applicant is a fit and proper person to hold a taxi licence as outlined above.

Accordingly, the licence is **GRANTED**.

The meeting ended at 11.20 am.

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Chairman