

## LICENSING SUB-COMMITTEE

**Minutes of the meeting of the Licensing Sub-Committee held on Monday 15 November 2021 at the Council Chamber - Council Offices at 10.00 am.**

**Committee** Ms E Spagnola (Chairman) Mr T Adams  
**Members Present:** Mr N Pearce

**Officers in Attendance:** Public Protection & Commercial Manager, Trainee Solicitor and Democratic Services Manager  
Trainee Solicitor - observer

### **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 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.

### **5 (WK/210013688) – APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK**

Present: Licence Applicant

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 Public Protection & Commercial Manager presented the report, which related to an application for a 'Licence to Drive Hackney Carriage or Private Hire Vehicles in North Norfolk'. She explained that the application had been received on 4<sup>th</sup> October and that 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. She concluded by saying that she couldn't see any other contra information,

The Chairman invited the Panel to ask questions of the Public Protection &

Commercial Manager. Cllr T Adams referred to page 10, point 10 of the reports pack and asked whether all of the required supporting documentation had been received as the checklist had not been completed. The Public Protection & Commercial Manager confirmed that it had all been received and said that the application would not be deemed valid otherwise.

The Chairman queried why the expiry date for the applicant's driving licence was so soon. The Public Protection & Commercial Manager replied that it was because it was a photo-card and they needed to be renewed every 10 years and the applicant's was close to the expiry date.

The applicant was then invited to present his case to the panel. He said that he had been sleeping in the car when the Police knocked on the window and woke him up. The car engine was running as it was cold outside.

Cllr N Pearce sought confirmation that the applicant had been drinking prior to sleeping in the car. The applicant confirmed that he had.

Cllr Adams referred to page 8, section 8 of the reports pack which had inconsistent responses. At section 1, the applicant had stated that he had never been convicted of an offence, yet at section 6 he had confirmed that he had been disqualified by a court form holding a driving licence. Cllr Adams asked the applicant whether the form contained mistakes. The applicant confirmed this was possible. In response to a further question from Cllr Adams as to whether he had ongoing drinking problems, the applicant stated that he did not. He added that this was one incident and had not happened again.

The Chairman asked the applicant to clarify whether he had given a breath sample when the police asked him to. He replied that he had. Cllr Pearce asked whether he had given a further sample at the police station when requested to and the applicant replied that he had not. The Public Protection & Commercial Manager reminded those present of the offence as stated on the DBS summary sheet. Cllr Pearce commented that it was clear from the applicant's responses, whether a sample had been given or not.

Cllr Adams asked the applicant to confirm his current place of work. The applicant provided a response and said that he was seeking alternative work due to an ongoing shoulder injury. He confirmed this injury did not prevent him from driving.

Cllr Pearce asked the applicant if he had learnt from what had happened and if he was remorseful. The applicant said that it had not happened again and he understood the gravity of the situation.

*The Panel retired at 10.50am and returned at 11.54am.*

The Chairman read out the decision to the applicant and explained that the Panel had regard to the safety of the public which they considered to be paramount. The Panel considered that public protection was the over-riding consideration when granting a taxi licence in North Norfolk and were of the view that the applicant did not understand the gravity of his previous offence. In addition, the Panel was concerned that the applicant had declared on the licence application form that they had not been convicted of any offences when the Disclosure Barring Service report results confirmed that he had. The Panel was concerned that the Applicant may have made a false declaration for the purposes of obtaining a taxi licence. The Panel agreed that a taxi drive must not be dishonest.

In conclusion, the Chairman said that having considered the relevant written and oral evidence before it, the sub-committee deemed that the Applicant was not a fit and proper person to hold a tax licence.

**RESOLVED**

**That the licence is REFUSED**

The meeting ended at 11.56am

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Chairman