

LICENSING SUB-COMMITTEE (REGULATORY)

Minutes of the meeting of the Licensing Sub-Committee (Regulatory) held on Monday, 18 July 2022 at the Council Chamber - Council Offices at 10.00 am

Committee Cllr P Fisher

Members Present:

Cllr N Lloyd
Cllr J Rest (Chairman)

Officers in Attendance: Legal Advisor (LA)
Senior Public Protection Officer (SPPO)
Licensing Enforcement Officer (LEO)
Democratic Services Officer - Regulatory

Apologies for Absence: Cllr P Butifoker

1 CHAIRMAN'S INTRODUCTION

The Chairman welcomed the applicant to the meeting, and outlined the process of the meeting.

2 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr P Butikofer, with Cllr P Fisher present as a substitute.

3 ITEMS OF URGENT BUSINESS

None.

4 DECLARATIONS OF INTEREST

None.

5 EXCLUSION OF THE 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.

6 (WK/220004944) - APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

Present: Licence Applicant

The Chairman, Members of the Panel and Officers introduced themselves.

The LA outlined the purpose of the hearing and explained the procedure for the

meeting.

The SPPO presented their report which related to an application for a 'Licence to Drive Hackney Carriage or Private Hire Vehicles in North Norfolk'. A Disclosure Barring Service report had subsequently been received in respect of the applicant, which contained details about the applicant which merited further consideration.

The Applicant expressed regret for the event which took place over 20 years prior, and explained the circumstances in which he returned home to a domestic incident between his relatives. He advised that he was very tired and had acted negatively in attempting to physically separate and resolve the matter between his relatives. In doing so, he acknowledged that he had bruised one of his relatives by using too much force which subsequently resulted in the matter being reported to police. The Applicant advised he did not contest the conviction and accepted responsibility for his actions in the matter.

The Chairman asked why the Applicant had failed to declare his conviction on the application form. The Applicant advised that he had forgotten about the event as it took place over 20 years prior. The Chairman subsequently enquired as to the Applicants current relationship with the aforementioned relatives, the Applicant advised they had a good relationship and had spent time together very recently. He advised that as part of his conviction he was ordered to attend an anger management course, and whilst he was enrolled for 5 days he only needed to attend 1 day as the instructor did not consider the Applicant to have an anger problem. The Applicant reiterated his remorse and affirmed such events had not, and will not happen again.

The Chairman asked about the Applicants current occupation. The Applicant advised that they were self-employed and had not previously worked as a taxi driver, however considered the change in career as it would better suit their needs and would see them through to retirement. The Applicant considered the occupation would be less physically demanding, and would enable him to support children and the community.

The Chairman enquired if the Applicant was aware that any conviction must be declared and whether they had read through the Council's Hackney Carriage and Private Hire Policy and Handbook, specifically, the provisions concerning 'Offences involving Violence, Disorder and Damage to Property'. The Applicant advised that their employer had not provided this information to them, and they were unaware that they must declare everything.

Cllr N Lloyd affirmed that safety of the public was an important consideration when granting a taxi license and asked the Applicant if he had declared his conviction when volunteering with the Scouts. The Applicant advised that they had declared their conviction and that this had been picked up in the relevant checks. He recounted his experiences within the Scouts and challenging situations he had been through, and commented how he had formed good relationships with his explores.

Cllr P Fisher asked about the Applicants referees. The Applicant advised that one of the individuals worked alongside him in the Scouts.

In response to questions from the Chairman, the Applicant advised that their employer was contracted to transport children to SEN schools, the vehicle would be provided for him, and his route may be supported by an assistant.

The SPPO asked whether the Applicant, who was self-employed but as a franchisee, would be able to obtain a reference from their operator. The Applicant commented

that he would be happy to supply this.

The SPPO enquired whether the Applicant would be supported by an assistant during their probationary period, the Applicant advised he was uncertain of the on-boarding process and that the operator would be better placed to answer this question.

In the absence of further questions from the Sub-Committee and Officers, the Chairman invited the applicant to make their closing arguments. The Applicant apologised that they were unable to answer all of the panel's questions.

The Sub-Committee retired at 10.33am and returned at 11.18am

The Chairman recited the Decision Notice and advised that In deciding the application, the Sub-Committee considered the report from the SPPO, as well as the written and oral evidence put forward at the hearing, in considering the Applicants suitability to hold a taxi licence in North Norfolk.

The Sub-Committee considered the Applicant's previous conviction, 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 and specifically, the provisions concerning 'Offences involving Violence, Disorder and Damage to Property'. The Sub-Committee noted that the Applicant has been free of such convictions for a period of at least five years prior to today's hearing.

Although the Applicant did not disclose this conviction on the application form, the Sub-Committee determined that failure to disclose was not indicative of intentional dishonesty, rather just genuine error, and that there is no evidence that the Applicant is currently a violent person with anger issues.

The Sub-Committee placed weight on the Applicant's work with the Scouts and his unblemished record with that particular organization working with children.

In addition to the two emails providing a character reference, The Sub-Committee considered the demeanour and conduct of the Applicant at this hearing and determined that he approached this matter with the appropriate amount of tact, openness and clarity.

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

RESOLVED

That the licence be GRANTED.

The meeting ended at 11.23 am.

Chairman