

LICENSING SUB-COMMITTEE (REGULATORY)

Minutes of the meeting of the Licensing Sub-Committee (Regulatory) held on Monday, 26 September 2022 at the Council Chamber - Council Offices at 10.00 am

Committee	Cllr P Grove-Jones (Chairman)
Members Present:	Cllr P Fisher Cllr G Mancini-Boyle
Officers in Attendance:	Legal Advisor (LA) Licensing Enforcement Officer (LEO) Democratic Services Officer - Regulatory

1 TO RECEIVE APOLOGIES FOR ABSENCE

None received.

2 ITEMS OF URGENT BUSINESS

None.

3 DECLARATIONS OF INTEREST

None.

4 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 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 (WK220009560) - APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

Present: The Applicant

The Members of the Panel and Officers introduced themselves.

The Chairman apologies for the delay in starting the hearing, and thanked the Applicant for their patience.

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

The LEO presented the Officers 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 Sub-Committee asked for further details of the of the Applicants conviction detailed on the DBS report. The Applicant explained the circumstances surrounding their conviction and admitted that they had made a stupid one off mistake. The Applicant affirmed that they had served the unpaid work requirement of their Community Order.

The Chairman asked if the Applicant had completed the application form themselves, or if it had be completed by another person. The Applicant advised they had completed all aspects of the application themselves with the exception of the medical certificate which was supplied by a doctor. Members noted that the Applicant had failed to fully disclose their convictions on the Application form. The Applicant apologised and advised this was a genuine error.

The Chairman asked the Applicant about their desire to be a taxi driver, and if the Applicant considered that they would be able to manage this work. The Applicant advised that they were already a serving taxi driver, with relevant experience under a different licensing authority. The Applicant advised that he intended to work part-time and could more than manage the work.

In response to questions from the LEO, the Applicant advised that, if their application was granted, they would be operating a 5 seater vehicle largely working on school runs for special education needs children, they understood that they would be accompanied by an assistant. The exact route they would undertake was at the discretion of their employer, and was not yet known.

The Sub-Committee retired at 11.50am and returned at 12.25pm.

The Chairman read out the decision to the Applicant and explained that the Panel had taken into account the LEO report, the Council's Hackney Carriage and Private Hire Policy Handbook, as well as the written and oral evidence put forward at the hearing.

The Chairman advised that the panel noted that the Applicant had not received more than 2 motoring convictions within the last 2 years, not had he accumulated 9 or more penalty points. Whilst the Applicant had not fully disclosed his convictions, the Sub-Committee considered this was not indicative of intentional dishonesty and was a genuine error.

The Sub-Committee placed weight on the Applicants previous experience as a taxi driver, and his positive track record in transporting children with no issues or complaints. The Chairman concluded that the Sub-Committee, having considered relevant written and oral evidence before it deemed the Applicant a fit and proper person to hold a taxi license.

RESOLVED

That the licence be GRANTED.

12 (WK/220008909) - APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

Present : The Applicant

The Members of the Panel and Officers introduced themselves.

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

The LEO presented the 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.

Cllr P Fisher asked the Applicant if they had completed the Application form themselves, or with the assistance of another, and noted that the Applicant had failed to record their conviction on the Application form. The Applicant advised that they had filled out the form with the assistance of a relative, and that they had genuinely forgotten about their conviction which occurred many years ago when he was nineteen years old. The Applicant continued to apologise to the Sub-Committee for this error and advised that he had not intended to intentionally deceive the panel.

Cllr P Fisher noted a discrepancy in signatures on the various forms, and asked the Applicant about this. The Applicant advised this was due to one of the signatures being done electronically.

The Chairman asked about the Applicants experience driving vehicles, and in being a taxi driver. The Applicant advised they had prior experience operating HGV vehicles but none as a taxi driver. He expressed an interest in the part-time nature of the job which he considered manageable, and reflected on his years as a road user.

In response to questions from the LEO, the Applicant advised that he was unsure of the exact route that he may undertake should his application be granted, as this was at the discretion of the operator, further he was uncertain if his route would be covered with an assistant.

The Sub-Committee retired at 12.50am and returned at 1.35pm.

The Chairman read out the decision to the Applicant and explained that the Panel had taken into account the Licensing Officers report, the Council's Hackney Carriage and Private Hire Policy Handbook, as well as the written and oral evidence put forward at the hearing.

The Sub-Committee noted that the applicant had been free of convictions for a period of at least five years prior to the hearing, and although the Applicant had not fully disclosed their conviction on the application form, the Sub-Committee considered this was not indicative of intentional dishonesty, rather just a genuine error. The Sub-Committee considered and placed weight on the Applicant spotless record and good conduct since his conviction, and that there was no evidence of the Applicant currently being a violent person.

The Sub-Committee, having considered the written and oral evidence before it, that the Applicant was a fit and proper person to hold a taxi license.

RESOLVED

That the licence be **GRANTED**.

The meeting ended at 1.27 pm.

Chairman