

## LICENSING SUB-COMMITTEE (REGULATORY)

Minutes of the meeting of the Licensing Sub-Committee (Regulatory) held on Wednesday, 19 October 2022 at the Council Chamber - Council Offices at 12.30 pm

**Committee** Cllr E Spagnola (Chairman)  
**Members Present:** Cllr T Adams  
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.

### 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 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/220009552) - APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

Present: Licence Applicant & Applicants Employer (Taxi Operator)

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 LEO 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 (DBS) report had subsequently been received in respect of the applicant, which contained details about the applicant which merited further consideration.

The LEO confirmed that the Sub-Committee were in receipt of the two written character references attesting to the Applicants competency as an employee and to their good character.

The Sub-Committee queried the applicant on his convictions. The Applicant advised the circumstances around his convictions and acknowledged fault in his actions, one of which occurred when he was a minor. He affirmed that he had learnt from his mistakes and stressed that his previous conduct was not reflective of his current character.

The Applicants current employer provided a further employment and character reference on behalf of the Applicant, confirming his good demeanour in dealing with people, and positive feedback he had received from customers. He spoke favourably of the Applicants work ethic working as a repairman in his company. The Applicants employer advised that the Applicant was in receipt of a badge to operate school runs from Norfolk County Council and that as they considered the convictions to be minor, they approved his application without organising a hearing.

Cllr T Adams asked for details of the complaint received. The LEO advised that that whilst the Applicant had not been operating vehicles in the capacity of a taxi driver, as was working transporting vehicles as a mechanic, it was flagged up that he should not be operating a hackney carriage unless he held a valid license.

In response to questions from Cllr T Adams around the nature of the business, the Applicants employer advised that the company did not undertake local runs, rather they performed pre-booked lengthy journeys across the country, as such no cash was physically exchanged between client and driver, with this all being dealt with directly by the owner.

The LEO advised the Sub-Committee that if the Applicant were granted a license that they would be able to drive with an alternate operator, which could include school runs, or sitting on the rank. If the Applicant were to change operator, they would be compelled to inform NNDC accordingly.

*The Sub-Committee retired at 12.52pm and returned at 1.45pm*

The Chairman recited the decision notice and advised that the Sub-Committee considered the report from the LEO, as well as the written and oral evidence put before it at the hearing. The Sub-Committee noted that the Applicant had been free from convictions for a period of at least three years prior to hearing. The Sub-Committee placed weight on the Applicants record since his conviction and the oral submission from the Applicants Employer who provided an excellent reference.

The Sub-Committee considered the Applicant a fit and proper person to hold a taxi license.

## **RESOLVED**

**The license be GRANTED.**

## **6 (WK/220010386) - 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 LEO 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.

In response to questions from Cllr G Mancini-Boyle the LEO confirmed that the Applicant had signed the declaration on the application form attesting that all the information on form was accurate and true. She noted that some aspects of the form had not been ticked by the Applicant.

The Sub-Committee queried the Applicants conviction. The Applicant proceeded to explain the circumstances surrounding their conviction and admitted though he regretted his actions, offered mitigation in stating that he was provoked by the behaviour of other parties involved in the matter. He advised that he had complained about the other parties conduct to the reagent authority, and invited the Sub-Committee to contact said authority (should they be so minded). He recognised the error of his ways and emphasised that his conviction was the only blemish in an otherwise spotless record.

In respect of the Application form, the Applicant stated did not reflect his prior conviction because he was not aware that he had been convicted. He advised that he had been informed by his solicitor at the time that the case would not have a negative effect on his employment. Further, this had not been an issue with his prior employers when they conducted their own employment checks.

In response to questions from Cllr T Adams, The Applicant outlined his experience in transporting differently abled and special needs children for multiple years with different operators. The Applicant advised he was flexible with the type of work offered to him by his future employer, though noted this would be predominantly to assist the transportation of children with special education needs. His routes may or may not be accompanied by an assistant.

The LEO advised for clarity, although the Applicant had held a License with another operator, NNDC held its own policies and the disclosures contained on the Applicants DBS form warranted a Sub-committee convening.

The LEO noted the disclosures made on the applicants medical form, and asked the Applicant how they managed their health. The Applicant advised they were well in control of their illness and were able to spot the early warning signs. He felt he was able to manage his health and well-being in a positive manor.

The Applicant concluded that they had made a genuine mistake, and affirmed that they had learned from there conviction.

*The Sub-Committee retired at 2.40pm and returned at 3.27pm*

The Chairman recited the decision notice and advised that the Sub-Committee considered the report from the LEO, as well as the written and oral evidence put before it at the hearing. Whilst dissatisfied with the way in which the Applicant presented information to the panel, the Sub-Committee placed weight on the Applicants strong level of experience as a taxi driver, and his generally spotless record before and after his conviction.

The Sub-Committee considered the Applicant a fit and proper person to hold a taxi license.

## **RESOLVED**

**The license be GRANTED.**

### **7 (WK/220008822) - 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 LEO 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. Further, as part of the application process a DVLA check had been carried out with respect of the Applicant, which warranted consideration by the Sub-Committee.

The Sub-Committee queried the traffic offences and asked the Applicant to provide additional information and context. The Applicant advised the circumstances surrounding his motoring offences, and admitted, with regards to his first offence, that he was following after the ambulance carrying his partner who he had been informed was close to passing. In his attempt to urgently reach the hospital, he was caught by speed cameras.

The Applicant further advised, in respect of his other offences offered mitigation that his partner was gravely ill in the hospital and that he was not thinking when he sped there to be there to support her. The Applicant advised this was an incredibly stressful situation for him and his family, which had been exacerbated by the lack of support from the relevant external agencies, describing the last year as a 'nightmare'. He advised that pending the outcome of the hearing, he had been unable to work for his employer in the capacity as a taxi driver, which adversely impacted both he and his partner.

The Applicant conceded that he should not have sped and that he had learnt from his mistakes, but reflected that it was a highly stressful and emotive time. He highlighted his spotless record as a taxi driver for over 10 years, transporting children with special educational needs to school, without issue. He advised that he enjoyed his work and took extra effort to interact positively with the children.

The Applicant affirmed that his speeding offenses were when he was driving his personal vehicle in a private capacity, and not whilst he was transporting passengers.

In response to questions from Cllr G Mancini-Boyle, the LA confirmed that the Sub-Committee were not obliged to consider convictions not contained in the DBS report.

Cllr T Adams asked if the Applicant had previously undertaken a speed awareness course, the Applicant advised that he had attended such courses remotely via Zoom.

The Applicant advised that his role within his company was subject to change, and rather than transport children on a set route, it was understood that he would provide background support getting the taxis transported in the background, including to the company garage, and providing sickness cover for drivers.

Cllr T Adams noted the Applicant medical records, and asked if they considered this would be an issue, should they be granted a license. The Applicant advised he was on top of his health and attended scheduled check-ups.

The LEO asked the Applicant what action there employer had undertaken with respect of his driving offenses. The Applicant advised that no action had been taken by his employer, and considered this may be as his license was due to expire anyway.

Cllr G Mancini-Boyle confirmed whether the Applicant was anticipated to work more hours. The Applicant stated that the nature of his work was flexible, with some days and weeks having more working hours depending on the nature of the work. He commented that he was happy with this arrangement and felt his employer had well accommodated his home-life situation.

*The Sub-Committee retired at 4.28pm and returned at 6.05pm*

The Chairman recited the decision notice and advised that the Sub-Committee considered the report from the LEO, as well as the written and oral evidence put before it at the hearing. The Sub-Committee made reference to the Department for Transport published guidance in respect of Statutory Taxi & Private Hire Vehicle Standards, which outlined that multiple motoring offences may indicate that an applicant does not exhibit the behaviours of a safe road user. The Sub-Committee reflected that the multiple speeding offences within the last two years were indicative of a wilful disregard of statutory speed limits.

The Sub-Committee considered the mitigation provided by the Applicant, but advised that the Applicants personal circumstances could not be considered in determining the Application.

However, the Sub-Committee placed great weight on the Applicants previous driving experience particularly in transporting special needs children in his dedicated role.

The panel concluded that the Applicant was a fit and proper person to hold a taxi license.

**RESOLVED**

**The license be GRANTED.**

The meeting ended at 6.15 pm.

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Chairman