

LICENSING SUB-COMMITTEE (REGULATORY)

Minutes of the meeting of the Licensing Sub-Committee (Regulatory) held on Wednesday, 23 November 2022 at the Council Chamber - Council Offices at 10.43 am

Committee Mr C Cushing

Members Present:

Mr P Fisher (Substitute for Cllr D Birch)
Mr N Housden (Chairman)

Officers in
Attendance:

1 TO RECEIVE APOLOGIES FOR ABSENCE

Cllr D Birch was absent for the meeting, Cllr P Fisher was present as a substitute.

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 (WK/220012604) - 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 her 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. It was noted that the applicant had failed to disclose their conviction on the application form, and that it was an offense to knowingly or recklessly make a false statement or to omit any particular material in giving information in the application form. The LEO informed the Sub-Committee that the Applicant had applied to mainly provide taxi services to assist with school and hospital runs.

The Chairman noted the references provided for the applicant were previous employers, and asked if there had been any further conversations with references. The LEO advised there had not been.

The Applicant presented his care and outlined his application to the panel. He explained that he had misread the application form and had assumed that the question was with relation to driving offenses only (which he had declared). The Applicant explained that he had recently become a foster carer with a foster child permanently in his care and that that he had received an enhanced DBS certificate where this disclosure was raised, but had not been an impediment for his fostering. He further advised that he a sports coach in his local community for a team of children where he was also subject to DBS checks.

Members had no questions for the applicant.

The Sub-Committee retired for deliberation and returned at 11.15am

The Chairman recited the decision notice and stated that 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 noted that Applicant had been free from convictions for a period of at least 5 years prior to the date of the hearing.

The Sub-Committee concluded that although the Applicant did not disclose their convictions on the application form, Members considered this was a genuine error and was not indicative of intentional dishonesty. Further, there was no evidence that the Applicant was not a fit and proper person to hold a license.

The License was **GRANTED**.

6 (WK/220011634) - 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 her 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. It was noted that the applicant had failed to disclose their conviction on the application form, and that it was an offense to knowingly or recklessly make a false statement or to omit any particular material in giving information in the application form. The LEO informed the Sub-Committee that the Applicant had applied to mainly provide taxi services to assist with school and hospital runs.

The Chairman noted the applicant's medical history and heart attack and asked the LEO about relevant guidance. The LEO provided DVLA guidance and confirmed that group 2 of the DVLA guidance applies to vehicles up to 8 passengers. The LEO confirmed that drivers may be re-licensed after a period of at least six weeks, but initially drivers must stop driving and notify the DVLA immediately.

The applicant introduced himself and presented his case. He advised the panel that the omission of his conviction was an honest mistake and that he had not been informed by his solicitor of the time that he had a conviction.

In response to questions from Members, the LEO defined that an 'Absolute discharge' was where no further action is taken, since either the offence was very minor, or the court considers that the experience has been enough of a deterrent. The nature of the applicant's conviction had resulted in a misunderstanding for the applicant as to whether they held a conviction or not.

Cllr C Cushing questioned why there has been a 'yes' selected in the psycatric box on the application form, the applicant explained this was an error

Cllr Fisher asked how the applicant manages his tablets, the applicant explained that he is able to manage this as his wife sorts these and reminds him daily. The Chairman asked details of the medication and how long treatment would last. The applicant advised this would be subject to review but he would likely be on medication for the rest of his life.

In response from questions from Members, the applicant explained that he had worked with extra need children in the past, and in his previous occupation.

The Sub-Committee retired for deliberation and returned at 11.47am

The Chairman recited the decision notice and stated that 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 noted that Applicant had been free from convictions for a period of at least 5 years prior to the date of the hearing.

The Sub-Committee considered that the applicant had misinterpreted the decision of the Magistrate as he had been absolutely discharged and considered this to be a genuine error. There is no evidence that the Applicant is not a fit or proper person.

The License was **GRANTED** subject to the following condition:

- i. The Applicant must write to the Licensing Officer every six months to confirm that the condition referred to in his DVLA medical assessment, namely the Applicants heart attack, has not deteriorated since the date of this hearing, or if it has, to provide further details of those changes.

The meeting ended at 12.00 pm.

Chairman