

## LICENSING AND APPEALS SUB-COMMITTEE

Minutes of a meeting of the Licensing Sub-Committee held on 6 September 2017 in the Council Chamber, Council Offices, Holt Road, Cromer at 10.00 am.

**Sub-Committee** Mrs H Cox (Chairman)  
Mrs P Grove-Jones  
Mr N Pearce

**Officers in Attendance:** Public Protection Manager, Licensing Enforcement Officer, Legal Advisor and Committee Officer (Regulatory)

Trainee Solicitor (observing)

### 1 APOLOGIES

An apology for absence was received from Mr P Rice. Mr N Pearce attended as his substitute.

### 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 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 Application for a Licence to Drive Hackney Carriage or Private Hire Vehicles in North Norfolk (WK/170024087)

Present: Applicant

The Chairman introduced Members of the Sub-Committee and Officers.

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

The Public Protection Manager presented the report. The applicant had applied for a licence to drive hackney carriage or private hire vehicles in North Norfolk. There were issues on his DBS report which required further consideration. A letter from the applicant's prospective employer was circulated to the Sub-Committee. The Public Protection Manager drew attention to sections of the application which had not been completed about which Members may wish to question the applicant.

The applicant presented his case. He explained the circumstances which led to his offences, for which he expressed regret. His circumstances had changed considerably since then and he had applied for a licence to drive taxis to provide a better life and home for himself and his young son, to whom access had been granted by the Court.

The applicant answered Members' questions. He outlined his work history in retail management. He intended to apply to the Court for more weekend access to his son which did not fit in with retail work. Taxi driving would allow him to have more flexibility in his working hours and his prospective employer was willing to work around his access arrangements. He confirmed that he did not wish to be excluded from any activities listed in section 6.5 of the application form and apologised for not completing the form.

The applicant did not wish to make a closing statement.

The Sub-Committee retired at 10.16 am and returned at 10.42 am.

## **RESOLVED**

**That the licence be granted.**

### **6 Complaint received regarding the conduct of a Licensed Hackney Carriage and Private Hire Driver in North Norfolk (WK/170020926)**

Present:  
Defendant  
Defendant's Employer

Witnesses:  
Licensing Enforcement Officer (Investigating Officer)  
Complainant  
Complainant's Supporter

The Chairman introduced Members of the Sub-Committee and Officers.

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

The Witnesses left the Council Chamber.

The Public Protection Manager presented the report, copies of which had been supplied to all parties. She referred to the detail of the complaint and the statements taken from the Complainants and Defendant, and drew attention to the expected driver standards in the Taxi Handbook. She outlined the options for determining this matter.

The Licensing Enforcement Officer was invited into the Hearing.

The Public Protection Manager explained that the Licensing Enforcement Officer had been the Investigating Officer in this case.

The Licensing Enforcement Officer stated that she had nothing to add. There were no questions.

The Complainant and his supporter were invited into the Hearing.

The Public Protection Manager explained that the Complainant had seen the report and had indicated that he wished to add to it.

The Complainant stated that he had misled the Investigating Officer regarding his previous occupation and gave further details of his education and employment.

The Complainant referred to the Defendant's statement. He considered that the Defendant had committed, and had admitted to, an offence of false imprisonment by refusing to let him out of the car. He stated that the Defendant had asked him to put on his seat belt more than twice and that he had not said "please". The Defendant had demanded very aggressively that he put on the belt, and was roaring, shouting and snarling at him. The Defendant had leaned across him to put on the seat belt and when he had asked to get out of the car, it had been proved that the Defendant had refused to let him do so. It was not true that the Defendant had shown his licence, but had waved it at him and he could not read it. The Defendant had given his badge number when asked but had refused to give his name.

The Panel had no questions for the Complainant.

The Defendant and his employer were invited to ask questions.

The Defendant stated that the Complainant told him that he was exempt but did not show his certificate. He was always polite and in his opinion the Complainant's comments about his attitude were not true.

The Defendant's Employer asked the Complainant how many times the Defendant had asked him to put on his seat belt.

The Complainant replied that he had not asked but demanded, roaring, shouting and snarling. The Chairman reiterated the question and the Complainant replied that it was several times, certainly more than twice.

As there were no further questions, the Witnesses were dismissed and left the Council Chamber.

The Defendant was invited to put his case.

The Defendant explained that he had been called to collect a customer from the hospital. He had assumed that it was a person he had collected before who needed help, but when he got out of the car he was informed that it was not. The Complainant and his granddaughter got into the car. The Complainant said nothing about his exemption but when asked to put his seat belt on he said twice that he was exempt and then showed his certificate. The Defendant said his mistake was not letting the Complainant out of the car. He said he was not angry or aggressive. He was polite to everyone who got in his taxi. He considered that the Complainant was exaggerating. He reiterated that his mistake was not letting the Complainant out of the car but his job was to get him to his destination. The Complainant had called him a nincompoop. When they got to the destination, the Complainant said he wasn't giving him a tip, held the door open for several seconds and then slammed it as hard as he could.

The Defendant's Employer suggested that the Complainant's subsequent illness could have been unrelated to the incident and expressed concern at the two being linked. The Defendant had worked for him for several years

and undertaken many journeys without any complaints. He did not recognise the person described by the Complainant. He stated that serious accusations had been made and referred to the Complainant's admission that he had misled the Investigating Officer. His employee had admitted that he should have stopped the car but he had just wanted to get his passengers to their destination safely. The firm would have been liable if the Defendant had not asked the Complainant to put on his seat belt and he had gone through the windscreen. He considered that the Complainant should have mentioned his exemption before getting into the car. He stated that the Defendant was polite and some customers would not travel with anybody else.

The Sub-Committee questioned the Defendant and his employer.

Mrs Grove-Jones asked if the Complainant had booked the taxi from the Company, and if the Complainant or his granddaughter had contacted the company after the incident.

The Defendant's employer said that an agent acting for the Complainant must have booked the taxi. The first he knew of the complaint was when the Council contacted him three weeks after the incident. He was not contacted by the Complainant.

The Defendant said the Complainant had said he would telephone the owners of the firm.

The Defendant's Employer stated that he was related by marriage to the owners of the firm, who were also related to the Complainant.

Mr Pearce asked if he would have left the Complainant if he had let him out of the car, and if the Defendant had thought of contacting the firm to report the problem.

The Defendant said that the Complainant would have been responsible for himself if he had got out. His employer and the owners of the firm were away at the time of the incident.

In response to questions by Mr Pearce and Mrs Cox, the Defendant said he had not been stressed.

Mrs Grove-Jones asked if the Defendant's demeanour had been aggressive or agitated.

The Defendant stated that he was agitated when he asked the Complainant to put his seat belt on. He questioned why, if the Complainant was unwell, did he not get in the back seat.

The Chairman asked if the Complainant had used the Company before.

The Defendant's Employer was not aware that he had done so. The Defendant confirmed that he had not picked up the Complainant before but had driven his granddaughter.

The Chairman invited the Defendant to make a closing statement.

The Defendant stated that in his opinion he had done his job properly, and had been polite to the Complainant. The Complainant had been abusive to him. He had not been abusive to the Complainant, but he should not have

refused to let him out of the car. The Complainant had slammed the door when he got out but there had been no aggression on the Defendant's part.

The Defendant's Employer added that the Complainant seemed to have forgotten that he had slammed the door hard. His granddaughter had mentioned it in her statement but the Complainant had not.

There were no further questions.

The Legal Advisor explained her role in assisting the Panel in the structure of its decision making, the role of the Panel and of public protection. Members had to consider whether they would be happy to allow someone they cared about get into a taxi with the person under review. There was no dispute that the Defendant accepted he should have let the passenger out of the vehicle when requested. The matter in dispute was the Defendant's conduct and what had happened during the trip. She summarised the issues which Members needed to consider.

The Sub-Committee retired at 11.47 am and returned at 12.34 pm.

The Chairman referred to the differing versions of some of the aspects of the incident and explained that on balance the Sub-Committee could not be certain as to which version of events was correct. However, the Defendant had fallen below the standards expected of a licenced driver in continuing the journey when asked to let the Complainant out of the vehicle.

## **RESOLVED**

**That the Defendant's Hackney Carriage and Private Hire Vehicle Driver's Licence be endorsed with three NNDC penalty points.**

The meeting closed at 12.40 pm

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Chairman