

## LICENSING AND APPEALS SUB-COMMITTEE

Minutes of a meeting of the Licensing Sub-Committee held on 9 April 2018 in the Council Chamber, Council Offices, Holt Road, Cromer at 10.00 am.

**Sub-Committee** Mrs A Claussen-Reynolds (Chairman)  
Mr M Knowles  
Mr P Moore

**Officers in Attendance:** Public Protection Manager, Licensing Enforcement Officer, Legal Advisor and Democratic Services & Governance Officer (Regulatory)

### 1 APOLOGIES

An apology for absence was received from Councillor Mrs V Uprichard. Councillor P Moore attended the meeting as her 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/180006046)

Present: Applicant & Applicant's Employer

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

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. Although he met all other requirements for the issue of a licence, he did not have three years' driving experience as required by the Council's Hackney Carriage and Private Hire Vehicles Policy and Handbook ("the Handbook"). He had challenged the requirement and requested that the Sub-Committee hear his case. Two references had now been received and were circulated to the Sub-Committee.

The Applicant's Employer referred to page 5 of the Handbook which stated that applicants had to be authorised to drive for at least 12 months.

The Public Protection Manager explained that this referred to the legal requirement to hold a DVLA driving licence for a minimum of 12 months, whereas NNDC policy required that the licence be held for three years.

The Chairman invited the applicant to put his case.

The Applicant's Employer put the case. He explained that his firm had a contract to provide transport for a school in the District. The pupils had very challenging behavioural issues and it was difficult to get drivers who were prepared to take on the work. The applicant currently worked as an escort for the children on school runs and had developed a good rapport with them. The firm was close to having to hand back the contract due to a shortage of drivers and the applicant had applied for a licence so he could help with the contract work.

The Chairman asked the Applicant about his driving experience.

The Applicant explained that he had driven long distances with his family and he loved driving. He considered that he was quite experienced.

In answer to a question by Councillor Moore, the Applicant's employer explained that some of the children were required to have escorts. In this role the applicant sat with the children, talking to them and calming them down.

Councillor P Moore asked if the authorities were aware of the behaviour experienced by the drivers.

The Applicant's Employer explained that CCTV and tracking equipment was fitted to the vehicles to protect both the drivers and the children, and to prove that drivers had been to collect the children and were not speeding. He added that journeys could be troubling and he had already had to hand back other school contracts because of drivers leaving the firm.

Councillor M Knowles asked if one additional driver would solve the problem.

The Applicant's Employer stated that one driver would not fully solve the problem but it would help. He gave details of the type of behaviour experienced by drivers on the school run.

The Applicant's Employer answered Members' questions regarding current staffing and other work carried out by the firm.

The Public Protection Manager asked the Applicant if he had an advanced driving qualification. The Applicant confirmed that he did not.

The Applicant and his Employer did not wish to make a closing statement.

The Public Protection Manager stated that the Applicant was six months away from meeting the three year requirement in the handbook. The law required a DVLA licence to be held for 12 months but the Council went beyond this requirement to ensure that drivers were sufficiently experienced. The

applicant had challenged this stance and it was a matter for the Sub-Committee to determine if the applicant was a fit and proper person to hold a taxi driver's licence in North Norfolk.

The Sub-Committee retired at 10.24 am and returned at 11.20 am.

The Chairman read the determination. She explained that the Council's policy and handbook was in place for a good reason in that it provided the framework to ensure that those who were licenced to drive were fit and proper to do so. Departing from the policy was never done lightly and the Council had to be satisfied that the circumstances were appropriate to do so. She stated that every case was fact sensitive.

In this case, having considered the written and oral evidence presented to it, the Sub-Committee had concluded that the applicant was a fit and proper person to hold a licence.

The Chairman emphasised that departing from policy was not done habitually, even when presented with a fit and proper person. In this case, given the social need it was

#### **RESOLVED**

**That the licence be granted on the condition that the applicant drives solely for the purposes of the school contract until he has been driving for three years.**

The meeting closed at 11.26 am

---

Chairman