

## **LICENSING AND APPEALS SUB-COMMITTEE**

**Minutes of a meeting of the Licensing Sub-Committee held on 9 January 2019 in the Council Chamber, Council Offices, Holt Road, Cromer at 10.45 am.**

**Sub-Committee** Mr S Shaw (Chairman)  
Mr M Knowles  
Mr J Rest

**Officers in Attendance:** Public Protection Manager, Legal Advisor and Democratic Services & Governance Officer

### **1 APOLOGIES**

None

### **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. (WK/180023464) – Review of a Licence to Drive Hackney Carriage or Private Hire Vehicles in North Norfolk**

Present: Licence Holder

The Chairman introduced the Panel Members 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, which related to the review of a licence to drive Hackney Carriage or Private Hire Vehicles following an addition to the Licence Holder's Disclosure and Barring Service (DBS) report. She summarised the background to the DBS addition, which related to a breach of professional boundaries in respect of a vulnerable adult. She reported that information had been received from the investigating bodies regarding this matter. The Director of the Licence Holder's former company had given a detailed account of the breach and added that the Licence Holder was a good person. She stated that the DBS addition did not relate to taxi work.

The Public Protection Manager stated that the Licence Holder had kept the Council informed all along and that it had been a lengthy process. A further personal reference had been provided which was circulated to the Sub-Committee.

The Public Protection Manager outlined the Sub-Committee's options for determining the case.

Councillor M Knowles asked the Public Protection Manager when the breach had occurred.

The Public Protection Manager explained that it was around 2016/17 but it had been some time before the Licence Holder had been notified that an investigation was being carried out.

The Chairman invited the Licence Holder to put his case.

The Licence Holder confirmed that the Public Protection Manager had given an accurate account of events. He stated that it was difficult to go into detail regarding this matter as it would reveal personal information about the service user involved. He gave a broad account of the circumstances and his reasons for taking the action which had led to the investigation. He stated that he and the service user had remained friends. He had acted with his conscience to safeguard a vulnerable adult in his care and accepted that his actions had crossed professional boundaries. He had been aware of what he was doing and that it could result in losing his job.

The Licence Holder answered questions put to him by the Panel and Officers relating to his actions, the consequences of the investigation and his current employment.

There were no further questions. The Chairman invited the Licence Holder to make his closing statement.

The Licence Holder stated that his conscience was clear. He had safeguarded the service user and was happy with his decision.

The Sub-Committee retired at 11.18 am and returned at 12.11 pm.

The Chairman read the determination notice. He explained that the Sub-Committee had considered the report and the oral and written evidence and determined that the Licence Holder was a fit and proper person to continue to hold a taxi driver's licence but that a condition would be attached which would give a level of protection to the public and the Licence Holder.

## **RESOLVED**

**That a condition be attached to the Licence Holder's NNDC Hackney Carriage and Private Hire Vehicle Driver's Licence to require that he shall not, in the course of his duties as a taxi driver, transport any person who is vulnerable as a result of their age, illness or disability to and from a place of care without the accompaniment of an appropriate adult.**

**6. (WK/180023492) – Review of a Licence to Drive Hackney Carriage or Private Hire Vehicles in North Norfolk**

The Licence Holder was not in attendance and had not notified the Council that he was unable to attend.

Prior to the commencement of the meeting, the Public Protection Manager had attempted to contact the Licence Holder without success. She had then contacted his employer who had assured her that he would be at the office by 11.45 am. However, he had not arrived by the time of conclusion of the previous case.

The Democratic Services and Governance Officer confirmed that notification of the hearing had been sent to the Licence Holder by recorded delivery post and that delivery had been confirmed by signature.

The Legal Advisor advised the Sub-Committee that the case could be heard in the Licence Holder's absence or adjourned to give the Licence Holder another chance to attend in person.

**RESOLVED**

**That this case be adjourned to the next meeting on 6 February 2019 and that the Licence Holder be reprimanded for failing to contact the Authority and informed that the case could be heard in his absence if he failed to attend the hearing.**

The meeting closed at 12.35 pm.

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Chairman