

LICENSING AND APPEALS SUB-COMMITTEE

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

Sub-Committee Mr P Moore(Chairman)
Mrs M Millership
Mr R Reynolds

Officers in Attendance: Public Protection Manager, Legal Advisor and
Committee Officer (Regulatory)
Environmental Health Administrative Officer (observing)

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 Application for a Licence to Drive Hackney Carriage or Private Hire Vehicles in North Norfolk (WK/170029282)

Present: Applicant

The Chairman introduced the Sub-Committee and Officers.

The Chairman asked the Applicant if he had received a copy of the agenda for the hearing. The Applicant stated that he had not.

The Public Protection Manager stated that a copy of the agenda had been sent by recorded delivery post to the address given by the Applicant and, as this had not been signed for, also by first class post.

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

The Applicant was provided with a copy of the agenda and the meeting was adjourned briefly to allow him time to read it before the Sub-Committee heard the case. The applicant indicated that he was happy to proceed.

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 matters on his DBS report which required consideration by the Committee. The Applicant had not disclosed his previous convictions on the application form or at his initial interview.

There were no questions to the Public Protection Manager.

The Chairman invited the applicant to present his case.

The applicant explained that he had changed his life over the past eight years. He had been at a time of his life when he did not care or respect anything and been to prison, but he had since grown up and had a family. His criminal record was hanging round his neck and he wanted to move on. He had been through a number of support organisations and completed accredited courses. He wanted to do even more to change his life.

The Sub-Committee questioned the applicant.

The Chairman asked why he had not ticked the box to say he had previous convictions.

The Applicant explained that this was a mistake as he thought the form was like many others he had completed where he did not have to disclose his spent convictions. He apologised for his mistake.

At the request of the Chairman, the Legal Advisor confirmed that licensing was a special sector which required full disclosure of all historic convictions regardless of whether or not they were spent.

Councillor R Reynolds said that it was pointed out in large print that it was an offence to omit any details. He considered that it was important that the Sub-Committee understood fully the reasons why the Applicant had not felt it necessary to disclose his convictions.

The Applicant reiterated that it was a mistake on his part and all his convictions were spent. He was deeply sorry for the error.

Councillor Reynolds asked the Applicant if this was his first application for a taxi licence and if he understood what was required of him. The Applicant confirmed that he did.

At the request of Councillor Mrs M Millership, the Applicant explained the courses he had done to try to sort out his life. He stated that he was not proud of his criminal record, but it took that to find out who he was.

Councillor Reynolds asked the Applicant if he considered that his convictions were a consequence of the exuberance of youth and that he was over it.

The Applicant confirmed that he did and was trying to make himself a better person. If he did not get his taxi licence at least he would know he had tried.

The Public Protection Manager asked the Applicant if it was the case that when he attended his interview he had been asked about criminal convictions and said there was nothing on his record.

The Applicant said he probably misunderstood the question and was used to responding "no" as his convictions were spent.

In summing up, the Public Protection Manager stated that the Applicant had made a full application and had clarified a number of issues at the hearing. She referred to the options for determining this application.

The Chairman invited the Applicant to make a closing statement.

The Applicant said that everyone needed a chance, and this was a chance to do better in life.

The Sub-Committee retired at 10.34 am and returned at 11.20 am.

In determining this application, the Sub-Committee had taken into account the seriousness of the offences and the time which had elapsed since the last conviction, and accepted the Applicant's account of how he had changed. It was considered that a one-year licence would be appropriate at this stage to support protection of the public. The Applicant could then apply to renew the licence at the appropriate time.

RESOLVED

That the licence be granted for one year.

6 Complaint with regard to driving standards of a licensed North Norfolk District Council Hackney Carriage/Private Hire driver (WK/170020886)

The Defendant was not present.

Notice of the meeting had been sent to the Defendant by recorded delivery post. As this had not been signed for, a further copy had been sent by first class post. The Defendant had subsequently signed for the recorded delivery copy on 29 November.

The Defendant had indicated that he would not attend the hearing as the Police investigation into this matter had not been concluded. The Public Protection Manager had advised him that he should attend and that if he did not, the case could be dealt with in his absence.

The Defendant had been advised to arrive at 10.30 am but he had still not arrived by 11.30 am. The Public Protection Manager attempted to contact the Defendant again but his phone had been switched off and it was established that he had made no attempt to contact the Council to explain why he could not attend.

The Legal Advisor explained that this hearing was completely separate from the Police investigation and could be determined on a balance of probabilities.

The Defendant would have a right of appeal to the Magistrates' Court which could take into account a genuine reason for non-attendance at this hearing.

The Sub-Committee considered whether the case should be heard in the Defendant's absence. The Chairman considered that the complainant should also be present. The Public Protection Manager explained that it was not considered necessary to invite the complainant to attend as statements had been made under Section 9 of the Criminal Justice Act 1967.

It was agreed that the case should be heard in the Defendant's absence.

The Public Protection Manager presented the report. A complaint had been received concerning the driving standards and conduct of a taxi driver. A representative of the Police had confirmed that the matter remained under investigation.

The Public Protection Manager referred to the witness statements, outlined the options for determination and the Defendant's right of appeal.

The Public Protection Manager answered Members' questions.

The Chairman asked if the complainant had been present at the time of the incident. The Public Protection Manager confirmed that she had not.

Councillor Reynolds asked if the Defendant had made a statement in defence.

The Public Protection Manager stated that she had interviewed the Defendant with the Head of Environmental Health. The Defendant had been very defensive at the interview. He had not made a supporting statement.

The Sub-Committee retired at 11.55 am and returned at 12.46 pm.

Having considered the written and oral evidence presented at the hearing, the Panel considered that there was a continuing risk to the safety of the public in light of its findings of how the Defendant had conducted himself at the time of the incident.

RESOLVED

That the licence be revoked with immediate effect.

The meeting closed at 12.50 pm

Chairman