

LICENSING AND APPEALS SUB-COMMITTEE

Minutes of a meeting of the Licensing Sub-Committee held on 5 June 2019 in the Council Chamber, Council Offices, Holt Road, Cromer at 10.00 am.

Sub-Committee: Mr T Adams (Chairman)
Mr N Housden
Mrs E Spagnola

Officers in Attendance: Public Protection Manager, Licensing Enforcement Officer, Legal Advisors (2) and Democratic Services & Governance Officer

Also present: Mr P Bütikofer (observing)

1 APOLOGIES

None

2 APPOINTMENT OF CHAIRMAN

RESOLVED

To appoint Cllr T Adams as Chairman of the meeting.

3 ITEMS OF URGENT BUSINESS

None.

4 DECLARATIONS OF INTEREST

Cllrs Mr T Adams and Mrs E Spagnola declared that they knew the applicant under Minute 7 but did not have a pecuniary interest.

Cllr Adams also declared that he had been a frequent customer of one of the firms mentioned in the reports.

5 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.

6 (WK/190002901) – 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 a review of a taxi driver's licence where a DVLA check had revealed endorsements which merited further consideration.

The Chairman invited questions to the Public Protection Manager.

In answer to a question by Councillor N Housden, the Public Protection Manager confirmed that the Licence Holder had been able to carry out his normal business since the return of his licence.

The Chairman invited the Licence Holder to put his case.

The Licence Holder referred to his driving and employment history. He considered that he had been dealt with very harshly by the Court when he had been banned but had received a fair hearing at appeal when his licence was returned to him. He referred to his speeding offences and explained that some of the points were due to be removed in the next few months. He enjoyed his work very much and considered that he did a good job. He wished to continue to work.

The Chairman invited questions to the Licence Holder.

The Licence Holder answered questions regarding his speeding offences. He confirmed that no customers had been in his car at the time of the offences and that all had been a relatively small amount over 30 mph. He considered that he had been careless rather than reckless. His last offence had been well over a year ago and he had kept to the speed limit.

The Chairman invited closing statements.

The Public Protection Manager stated that the information in the report gave details of the speeding offences and that the Licence Holder had also given information on them. She drew attention to the options for determination of this case.

The Licence Holder stated that his employer had provided references for his Court appearances. He considered that he did a very good job and his customers thought he gave them a very good service. He had a lot of regular work from local people and visitors. He dearly wished to continue and did not want to have to seek alternative employment.

The Sub-Committee retired at 9.50 am and returned at 10.22 am.

The Chairman read the determination.

RESOLVED

That no further action be taken.

7 (WK/190005242) – 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 a review of a taxi driver's licence where a DVLA check had revealed endorsements which merited further consideration.

The Chairman invited questions to the Public Protection Manager.

In response to questions by Councillor N Housden, the Public Protection Manager clarified the situation with regard to the Licence Holder's DVLA and NNDC penalty points.

The Chairman invited the Licence Holder to put his case.

The Licence Holder explained that it was an oversight on his part not to declare his DVLA points. He had read the Handbook some years ago and it had slipped his mind. He had made a mistake and could not defend himself.

The Chairman invited questions to the Licence Holder.

The Licence Holder answered Members' questions regarding his most recent driving offence, driving record, matters relating to his application form and awareness of the Handbook. He confirmed that he had not been carrying passengers at the time of the offence. He undertook to refresh himself on the requirements of the Handbook and report any future incidents straight away in future.

The Chairman invited closing statements.

The Public Protection Manager referred the Sub-Committee to the options for determination of this case.

The Licence Holder stated that taxi driving was his only source of income and suspension or revocation of his licence would cause hardship to his family.

The Sub-Committee retired at 10.44 am and returned at 11.46 am.

The Chairman read the determination.

RESOLVED

That the following condition be added to the Licence:

In the event that the Licence Holder receives any additional NNDC points on his licence within a 12 month period following this decision, the Licence Holder will automatically have to appear in front of the Licensing Sub-Committee.

8 (WK/190006487) – Application for a Licence to Drive Hackney Carriage or Private Hire Vehicles in North Norfolk

Present: Applicant

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 an application for a taxi driver's licence where a Disclosure and Barring Service Report (DBS) had been received which merited further consideration.

The Chairman invited questions to the Public Protection Manager.

In response to a question from Councillor N Housden, the Public Protection Manager confirmed that she was satisfied that the paperwork submitted by the Applicant was complete.

The Chairman invited the Applicant to put his case.

The Applicant gave details of the offences on his DBS summary which had occurred many years ago when he was young. He said that they had not been instigated by him but he had pleaded guilty on legal advice. He explained how his circumstances had changed since then.

The Chairman invited questions to the Applicant.

The Applicant answered questions relating to his medical report.

The Chairman invited closing statements.

The Public Protection Manager referred the Sub-Committee to the options for determination of this case.

The Applicant stated that he was applying for a taxi licence as he was unable to continue with his previous career following an accident at work and had now been offered a job as a taxi driver.

The Sub-Committee retired at 12.04 pm and returned at 12.25 pm.

The Chairman read the determination.

RESOLVED

That a licence be granted.

9 (WK/190005335) – Application for a Licence to Drive Hackney Carriage or Private Hire Vehicles in North Norfolk

Present: Applicant
Applicant's prospective Employer

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 an application for a taxi driver's licence where a Disclosure and Barring Service Report (DBS) had been received which merited further consideration.

There were no questions to the Public Protection Manager.

The Chairman invited the Applicant to put his case.

The Applicant explained the circumstances of his convictions and the medical issues which led to them. He had since pursued alternative therapies for his medical issues which had been successful.

The Chairman invited questions to the Applicant.

The Applicant answered questions regarding his medical issues and the circumstances of a car accident referred to in his application. He confirmed that any pain was managed through physiotherapy, his movement was not restricted and his reactions were good. He explained that the car accident had been caused by mechanical failure and no-one else had been involved. He confirmed he had no driving convictions.

The Chairman invited closing statements.

The Public Protection Manager stated that the Applicant had provided a large amount of detail in his application and referred the Sub-Committee to the options for determination of this case.

The Sub-Committee retired at 12.40 pm and returned at 1.11 pm.

The Chairman read the determination.

RESOLVED

That a licence be granted subject to the following conditions:

- 1. The Applicant is required to provide a medical report from his GP annually from the date of the licence; and**
- 2. The Applicant must immediately notify the Council of any change to his current medical condition pertinent to his NNDC taxi licence and historic medical condition.**

The meeting closed at 1.15 pm

Chairman