

LICENSING AND APPEALS SUB-COMMITTEE

Minutes of a meeting of the Licensing Sub-Committee held on 2 October 2019 in the Council Chamber, Council Offices, Holt Road, Cromer at 10.00 am.

Sub-Committee: Mr N Housden (Chairman)
Mr P Fisher
Mrs E Spagnola

Officers in Attendance: Licensing Enforcement Officer, Legal Advisor and Democratic Services & Governance Officer

Also present: Mr H Blathwayt (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 (WK/190010577) – 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 Licensing Enforcement Officer presented the report, which related to an application to drive Hackney Carriage or Private Hire Vehicles in North Norfolk where there were matters on the Applicant's DBS check which required consideration.

Cllr P Fisher asked the Applicant to explain the offence noted on his DBS check.

The Applicant explained the circumstances which had led to a police caution.

The Sub-Committee retired at 10.10 am and returned at 10.42 am.

The Chairman read the determination.

RESOLVED

That the licence be granted.

6 (WK/190013601) – 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 Licensing Enforcement Officer presented the report, which related to an application to drive Hackney Carriage or Private Hire Vehicles in North Norfolk where there were matters on the Applicant's DBS check which required consideration.

The Licensing Enforcement Officer reported that the Applicant's DVLA driving licence had expired and she understood that the DVLA was awaiting a response to questions relating to the Applicant's medical condition prior to issuing a new licence. The Applicant had previously held an NNDC taxi driver's licence from 2008 to 2011. Records indicated that it had not been renewed as it was no longer required.

The Chairman asked if the DBS had been considered in 2008.

The Licensing Enforcement Officer explained that the offences shown on the DBS would have been considered when granting the previous licence. At that time, authority to issue licences to applicants with historic or juvenile offences had been delegated to Officers, but all such applications were now required to be determined by the Sub-Committee. She confirmed that the DBS was not considered to be a significant factor in the current application.

The Chairman asked the Applicant if he had any further information regarding his DVLA licence renewal.

The Applicant handed over a letter he had received from the DVLA confirming that his application had been received and that he could continue to drive pending a decision on the renewal of his DVLA licence.

The Applicant answered Members' questions regarding a recent speeding offence, and his previous and current employment.

The Applicant answered in detail questions regarding his medical condition and explained that he attended annual checks. When questioned as to why his GP had not carried out his D4 medical, he explained that his employer had wanted him to undergo a medical examination as quickly as possible and had arranged for it to be carried out by a specialist firm as his GP was unable to do so within an acceptable timescale.

The Sub-Committee retired at 11.04 am and returned at 11.49 am.

The Chairman read the determination.

RESOLVED

That the licence be granted with the condition that the applicant should provide an annual medical report to the Licensing Authority within one month of his medical review.

7 (WK/190004776) – 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 Licensing Enforcement Officer presented the report, which related to a licensed taxi driver where DVLA penalty points had been awarded and a suspected offence under the Road Traffic Act 1988 had been pursued which merited further consideration.

In response to questions by the Chairman, the Licence Holder explained the circumstances in which he had received his most recent penalty points and confirmed that all offences related to speeding within a 30mph limit.

The Licence Holder answered Members' questions regarding an accident which was currently under investigation. He confirmed that he had not been carrying a fare at the time. He had not been aware that he was being summoned to Court for several months after the incident. He had received no communication from the Police or his insurance company and therefore had assumed there was no case to answer.

The Licensing Enforcement Officer explained that although three penalty points were shortly due to expire, they would remain on the Licence Holder's DVLA licence for a further year.

The Sub-Committee retired at 12.10 pm and returned at 1.20 pm.

The Chairman read the determination. The Sub-Committee had determined that the Licence Holder was not a fit and proper person to continue to hold a taxi driver's licence taking into account his speeding offences and the context of the alleged offence.

RESOLVED

That the licence be revoked.

The Licence Holder was informed of his right of appeal within 21 days of the date of this decision. He would continue to hold a licence pending the expiry of this period.

The meeting closed at 1.23 pm

Chairman