

LICENSING SUB-COMMITTEE

Minutes of the meeting of the Licensing Sub-Committee held on Wednesday, 29 January 2020 at the Council Chamber - Council Offices, Holt Road, Cromer, NR27 9EN at 10.00 am

Committee Mr H Blathwayt (Chairman)

Members Present: Mrs G Perry-Warnes
Mr A Yiasimi

Members also attending: Mr P Fisher (observing)

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

Public Protection & Commercial Manager (observing)

1 TO RECEIVE APOLOGIES FOR ABSENCE

None.

2 ITEMS OF URGENT BUSINESS

None.

3 DECLARATIONS OF INTEREST

Councillor A Yiasimi declared that the Licence Holder under Minute 8 had been a customer of his restaurant.

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/190014231) - APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

Present: Applicant

The Panel Members and Officers introduced themselves. The Public Protection & Commercial Manager was not present during this item.

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 that required consideration. There were also matters concerning his driving history that required further explanation.

The Chairman invited the Applicant to put his case.

The Applicant explained that he had held a licence to drive Private Hire and Hackney Carriages with another Local Authority between 1984/5 and 1991 and gave details of his licence and taxi driving history. He was surprised that the Authority concerned did not hold any records for him.

The Licensing Enforcement Officer explained that historic data may not have been held on computer or had been destroyed due to GDPR requirements.

The Chairman confirmed that the information given by the Applicant was sufficient to convince him that the Applicant had previously held a taxi licence.

The Applicant stated that he had a clean driving record and had no convictions whilst he was a taxi driver.

The Applicant answered Members' questions.

The Chairman referred to the application form, on which the Applicant had failed to declare his previous convictions. He drew attention to the accompanying notes regarding the Rehabilitation of Offenders Act.

The Applicant explained that he had not declared previous offences as they had occurred over 20 years previously and he had not intended to deceive the Authority.

At the request of the Chairman, the Applicant gave a detailed account of the circumstances in which the most recent offence shown on his DBS had occurred and stated that it had been thrown out of Court.

There were no further questions.

The Sub-Committee retired at 10.18 am and returned at 11.02 am.

RESOLVED

That the licence be granted.

6 (WK/190017528) - APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

Present: Applicant

The Panel Members and Officers introduced themselves. The Public Protection & Commercial Manager was not present at this stage.

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 that required consideration. She stated that only one reference had been received at the time of writing the report. (A further reference was made available to the Sub-Committee during its deliberations).

The Chairman invited the Applicant to put his case.

The Applicant explained that his offences had occurred at a time when he had suffered a bereavement and a number of family members had suffered serious illness. He explained the circumstances that had led to him committing the offences, which related to one incident, and gave details of what had occurred. He regretted the offences and did not want to find himself back in that position again. He had undergone bereavement counselling and he was now in a much better situation. He referred to his employment history, which included many years in a customer service role.

At this point, the Public Protection & Commercial Manager entered the meeting and introduced herself.

The Chairman referred to an issue on the Applicant's medical report.

The Applicant explained that the condition was controlled and did not affect him when he was awake.

There were no further questions.

The Sub-Committee retired at 11.23 am and returned at 12.37 pm.

RESOLVED

That the licence be granted, subject to the following condition:

“Should (the Applicant) experience any further manifestations of stress which may lead to a further lapse, he is required to inform the Licensing Authority so that his fitness to hold a licence may be revisited.”

7 (WK/200001622) - REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

Present: Applicant and Supporter

The Panel Members and Officers introduced themselves.

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 review of a licence to drive hackney carriage or private hire vehicles where a licensed vehicle had been operating without insurance or tax.

The Chairman asked why photographs of a second vehicle had been included in the paperwork.

The Licensing Enforcement Officer explained that the vehicle concerned was also owned by the Licence Holder. This vehicle was taxed and insured.

The Licence Holder added that the second vehicle was now off the road due to engine problems.

The Chairman invited the Licence Holder to put his case.

The Licence Holder stated that he had thought the vehicle was insured but it appeared that the direct debit had failed and the insurance had been cancelled. A

payment had been debited from his account which he thought was for the insurance as it was a similar amount. As a result he had been using the vehicle since August without insurance. A similar problem had occurred with the tax (vehicle excise licence) for the vehicle. He said he would not have driven the vehicle if he had been aware that it was not insured and he would ensure that there was enough money in his account to make the payments in future.

The Chairman reminded the Licence Holder that his passengers were not insured if he did not have insurance for the vehicle.

The Licence Holder's Supporter stated that he ran a taxi firm. He had given work to the Licence Holder's firm, which he would not have done if he knew the Licence Holder was uninsured. He said that the Licence Holder's life was chaotic and if he was allowed to keep his licence, the Supporter would take over the Licence Holder's business to give him a chance to sort himself out.

Councillor Mrs G Perry-Warnes asked the Supporter if he would ensure that the paperwork was done properly if he took over responsibility for the business.

The Supporter confirmed that he would do so.

The Chairman asked the Licensing Enforcement Officer if she had anything she wished to add. The Licensing Enforcement Officer stated that she did not.

The Legal Advisor asked if the Licence Holder was aware of any further action being taken by the Police regarding this matter.

The Licence Holder said he had received no further correspondence.

The Supporter suggested that this was because the Licence Holder was not living at his correspondence address.

The Sub-Committee and Legal Advisor questioned the Licence Holder about his living arrangements and arrangements for collecting his post.

The Licence Holder explained that he visited the address sporadically and that he suspected that some of his post was missing. He was trying to find somewhere else to live.

Councillor Mrs G Perry-Warnes asked if the Licence Holder's post relating to his taxi driving could be sent to the Supporter's address.

The Supporter said that it could be done but indicated that the Licence Holder should take responsibility for his own arrangements.

The Chairman referred to the Police report which stated that the Licence Holder had been stopped two weeks previously for the same issue. He asked why this had not alerted the Licence Holder to a problem.

The Licence Holder explained that a further telephone check had been made by the Police during the stop which indicated that he was insured.

The Chairman questioned the Licensing Enforcement Officer regarding the vehicle excise licence.

The Licensing Enforcement Officer explained that the vehicle was not taxed at the time it was stopped. She did not know if the Government gateway informed vehicle

owners if their vehicles were not taxed. According to the Government website the vehicle was taxed at some time during December 2019 but she did not know the date as licences ran from the first of each month.

There were no further questions.

The Sub-Committee retired at 1.12 pm and returned at 2.25 pm.

RESOLVED

That the Licence Holder's licence be endorsed with the following:

- **4 penalty points for driving a taxi without insurance and vehicle tax;**
- **3 penalty points for not notifying the Licensing Authority of the change of address;**
- **An additional condition to require that all of his correspondence pertaining to his operation as a taxi driver be sent to (the Supporter at his company address).**

8 (WK/200002037) - REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

Present: Licence Holder

The Panel Members and Officers introduced themselves.

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 review of a licence to drive hackney carriage or private hire vehicles where a licensed vehicle had been operating without a road fund licence. She stated that the Licence Holder had recently appeared before the Sub-Committee because of points accrued on his DVLA licence and on that occasion he had been allowed to keep his taxi licence.

In response to a question by the Chairman, the Licensing Enforcement Officer confirmed that if a vehicle was untaxed, the insurance was invalidated and passengers were uninsured. The road fund licence had expired on 31 August 2019.

The Chairman invited the Licence Holder to put his case.

The Licence Holder explained that on being informed by a member of the Licensing staff that the vehicle was untaxed, he had gone to the Post Office to tax the vehicle. He explained that he had purchased the vehicle in July and thought he had been to the Post Office to tax it, but due to problems with getting the car through taxi testing he probably had not done so. He said it was a genuine mistake and apologised for it. He recognised it was a serious offence to drive an untaxed vehicle. He had not received a reminder from the DVLA, but the postal delivery to his home was sporadic.

The Licensing Enforcement Officer drew attention to an email appended to the report setting out the actions taken by the Administrative Officer with regard to this matter, and in particular a paragraph relating to her discussion with the Licence Holder. She confirmed that the Licence Holder had done what was asked of him.

The Chairman asked the Licensing Enforcement Officer if it was satisfactory for the

Licence Holder to set up a direct debit for his road fund licence rather than paying for it in full.

The Licensing Enforcement Officer confirmed that a direct debit was acceptable and the vehicle would remain taxed provided the payments were kept up.

Councillor Mrs G Perry-Warnes asked the Licence Holder if he had tried to pay the vehicle tax but had been unsuccessful in implementing it.

The Licence Holder stated that he paid all his vehicle taxes at the Post Office and he had so much to do with the car when he bought it, such as fitting the taximeter and fixing problems with the vehicle, that he genuinely thought he had taxed it.

The Chairman referred to the determination notice relating to the Licence Holder's previous appearance before the Sub-Committee, in which it had stated that "... in the event that he finds himself before the Licensing Sub-Committee, a less favourable view may be taken against the Licence Holder." He asked the Licence Holder if he could convince the Sub-Committee that such a view should not be taken on this occasion.

The Licence Holder stated that he had made a genuine mistake. He referred to his age and stated that he had a taxi licence which ran until 2022, which he would dearly like to keep. It was a genuine oversight on his part and he realised it was a serious offence, but it was his livelihood. His partner was unwell and he needed the income. He expressed remorse for the offence and hoped he would not appear before the Sub-Committee again.

The Chairman asked the Licensing Enforcement Officer how many taxi drivers were on the Council's records and how many of them appeared before the Sub-Committee.

The Licensing Enforcement Officer stated that there were around 300 registered drivers. She did not have the information to hand as to how many appeared before the Sub-Committee but estimated it to be around 5-10%.

At the request of the Chairman, the Licence Holder confirmed how long he had held his taxi licence.

There were no further questions.

The Sub-Committee retired at 2.53 pm and returned at 4.04 pm.

RESOLVED

That the licence be revoked with immediate effect.

The meeting ended at 4.10 pm.

Chairman