

LICENSING SUB-COMMITTEE

Minutes of the meeting of the Licensing Sub-Committee held on Wednesday, 25 August 2021 at the Council Chamber - Council Offices at 10.00 am

Committee Mr H Blathwayt Mr N Lloyd
Members Present: Mr J Rest

Officers in Attendance: Licensing Enforcement Officer, Trainee Solicitor and Democratic Services & Governance Officer (Regulatory)

1 TO RECEIVE APOLOGIES FOR ABSENCE

Councillor H Blathwayt chaired the meeting in place of Councillor P Bütikofer, who was unable to attend.

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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A (as amended) to the Act.

5 (WK/210008727) - APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

Present: Applicant

The Members of the Panel 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 an application for a licence to drive Hackney Carriage or Private Hire vehicles where there were matters on the Applicant's DBS check that required consideration.

The Applicant explained that he had not included his conviction on his application form as the offence had been taken into account when his previous NNDC taxi licence had been granted and he had received no further convictions since then. He apologised for his mistake. He gave details of the speeding offences he had declared on the form.

At the request of the Legal Advisor, the Licensing Enforcement Officer confirmed that the Applicant's previous licence had been granted after the date of his conviction.

The Chairman asked if there had been any complaints about the Applicant or other issues on record during the period when he had previously held a licence.

The Licensing Enforcement Officer stated that she would need to check and that this case had been dealt with as a new driver application. She confirmed that the Applicant had previously appeared before the Sub-Committee.

In response to questions from the Legal Advisor and the Chairman, the Licensing Enforcement Officer provided clarification in respect of the Applicant's referees and his prospective employer.

The Applicant declined the Chairman's invitation to present his case as he had nothing further to say.

The Sub-Committee questioned the Applicant.

The Applicant confirmed that he had no further convictions since the one considered at the time his previous licence had been granted, and explained the circumstances that had led to his conviction. He provided further clarification in respect of his references. He explained that he had stopped taxi driving due to personal circumstances. He had done other work in the meantime but found nothing to his liking and was looking forward to getting back to taxi work.

The Legal Advisor referred to the Taxi Licensing Policy and the requirement to consider each application on its merits. She advised that the Sub-Committee should have regard to the nature, seriousness, date and relevance of the offence and that conditional discharges were given for the least serious offences. She advised the Sub-Committee to have regard to public safety and the test as to whether or not they would be happy to allow a person they cared for to get into a taxi with the Applicant.

The Sub-Committee retired at 10.24 am and returned at 10.45 am.

The Legal Advisor explained that the Licensing Enforcement Officer had now provided the Sub-Committee with information relating to the Applicant's previous history.

The Chairman stated that in the light of the further information provided it was necessary to reconvene the meeting.

The Sub-Committee questioned the Applicant and Licensing Enforcement Officer in respect of complaints that had been received from a member of the public against the Applicant. It was noted that no action had been taken in respect of those complaints.

The Sub-Committee and Legal Advisor questioned the Applicant and the Licensing Enforcement Officer in respect of the circumstances in which the Applicant's previous licence had been revoked. The Licensing Enforcement Officer explained that the licence had been revoked with immediate effect under the Council's policy, although no action had been taken by the Police in connection with the matter in question. The Applicant subsequently applied for a new Licence, which was granted

by the Licensing Sub-Committee having taken this incident into account.

The Licensing Enforcement Officer explained that the second revocation had been a Committee decision due to matters relating to the Applicant's DVLA licence. She reminded the Sub-Committee that it should establish whether or not the Applicant was a fit and proper person to hold a taxi licence.

In response to questions from the Chairman in respect of the completion of the application form, the Licensing Enforcement Officer read out the explanatory note at 14.1 of the form and stated that applicants were only required to include convictions. She would have expected the Applicant to include the incident involving the Police and subsequent action taken by the Authority on the form.

The Applicant explained why he had not included details of the incident involving the Police and reiterated that he had not included the conviction as it had been considered previously.

The Licensing Enforcement Officer explained that she had interrogated the computer system and the other issues had come to light as the Applicant's licences had been issued under different numbers.

In response to questions by the Sub-Committee, the Applicant gave further information relating to the circumstances of the incident that had led to the revocation of his first licence and explained that it had been a one-off incident, which he regretted. He explained his current circumstances and stated that he was in a good place now.

The Sub-Committee retired at 11.08 am and returned at 12.58 pm.

The Chairman read the Determination Notice.

RESOLVED

That a licence be granted for one year subject to a condition that the Applicant supplies a fresh Disclosure and Barring Service report with his renewal application.

The Sub-Committee also recommended that the Minutes of this meeting and Determination Notice be taken into consideration by any future Sub-Committee meeting involving the Applicant.

The meeting ended at 1.09 pm.

Chairman