

**BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK**

**LICENSING AND APPEALS BOARD – PANEL HEARING**

**Minutes of a Meeting of a Panel of the Licensing & Appeals Board  
on Tuesday 5<sup>th</sup> November 2013 at 9am  
in the Committee Suite, King's Court, King's Lynn**

**PRESENT:**

Councillor D Tyler (Chairman), Councillor J Loveless  
and Councillor C Manning

**OFFICERS PRESENT:**

Rachael Edwards - Senior Democratic Services Officer  
Vicki Hopps - Environmental Health Manager (Commercial)

**LEGAL ADVISOR:** - Cara Jordan

**CASE NUMBER – LAB012/13**

**1. Exclusion of Press and Public**

**RESOLVED** "That under Section 100(A)(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 paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Act."

**2. Consideration of a Grant of Combined Drivers Licence**

The Chairman welcomed everyone to the meeting and introduced the Panel, officers and the Legal Advisor. The applicant was present at the hearing.

The Legal Advisor outlined the procedure that would be followed at the hearing. She explained that it was for the Panel to determine whether it deemed the applicant to be a fit and proper person to be granted a Combined Drivers Licence. There were no questions from the applicant in relation to the procedure.

At the invitation of the Chairman, the Environmental Health Manager (Commercial) presented the report and explained that the Borough Council of King's Lynn & West Norfolk received an application for a Combined Driver's Licence on the 4<sup>th</sup> September 2013. Because of the circumstances in which the applicant's previous Combined Drivers Licence had been revoked their current application had been referred to a Panel of the Licensing & Appeals Board for determination.

The Environmental Health Manager (Commercial) outlined the background to the application and explained that the applicant had previously held a Combined

Driver's Licence between January 2008 and November 2012. She explained that his continued suitability to hold the licence was reviewed by a Panel of the Licensing & Appeals Board in November 2012 and a copy of the Agenda (Appendix One), Decision Notice (Appendix Two) and Minutes (Appendix Three) had been attached to the report.

The Environmental Health Manager (Commercial) outlined details on the applicant's Enhanced Disclosure & Barring Service (DBS) Certificate.

She advised Members that the Borough Council should only authorise hackney carriage and private hire licences when they were satisfied that the applicant was "fit and proper" to hold such a licence. The Panel should be aware that any matter could be taken into consideration when determining 'fit and proper'. Whilst there was no judicially approved test for fitness and propriety the Panel may find the following test useful:

*'Would you (as a member of the Licensing & Appeals Board charged with the ability to authorise a combined driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or grand-daughter or any other person for whom you care, to get into a vehicle with this person alone?'*

If the answer to this question was an unqualified 'yes', then the test was probably satisfied. If there were any doubts, then further consideration should be given as to whether the person was a fit and proper person to hold a Combined Driver's Licence.

The Environmental Health Manager (Commercial) requested that the Panel consider the contents of the report, including any submissions put forward by the applicant and dispose of the matter by either granting or refusing the application. The Panel were reminded that full reasons for their decision must be given as there was provision for appeal to the Magistrates' Court against that decision.

There were no questions from the applicant to the Environmental Health Manager (Commercial).

Councillor Loveless queried the number of years the applicant had held a Combined Driver's Licence as there appeared to be a discrepancy within the paperwork as to whether it was from 2002 or 2008. The Environmental Health Manager (Commercial) clarified (with the aid of the applicant) that he had held a DVLA drivers licence since 2002 and a Combined Driver's Licence since January 2008 (until November 2012).

At the invitation of the Chairman the applicant presented his case and apologised to the Panel for submitting false information in connection with a private hire vehicle application back in October 2012. He explained why he had not attended the hearing in November 2012.

In response to questions raised by the Environmental Health Manager (Commercial), the applicant reiterated why he had not attended the hearing in

November 2012 but acknowledged that he was aware that he had submitted false information.

In response to questions raised by Members of the Panel, the applicant explained what he had been doing since November 2012 from an employment perspective. He explained that if the Panel were minded to grant the licence he had plans to work full-time renting a vehicle from a local taxi firm. The applicant confirmed that historically he had not experienced any other problems whilst working as a taxi driver.

The Environmental Health Manager (Commercial) summed up the case highlighting to the Panel that it had been some time since the hearing in November 2012. The applicant had also admitted that he was aware he had submitted false information and had apologised for doing so. The Environmental Health Manager (Commercial) requested that the Panel dispose of the matter by either granting or refusing the application.

The applicant summed up his case by requesting that the Panel give him a "second chance".

The Legal Advisor addressed the Panel and advised them that they had to determine whether they were satisfied that the driver was a "fit and proper" person to be granted a Combined Driver's Licence. She advised the Panel that they also needed to consider the issue of public protection as the driver was in a position of trust and would be expected to be able to deal with difficult and challenging situations as well as potentially vulnerable passengers, including the elderly and children. Members of the public needed to be satisfied that they would be driven safely and in accordance with the law.

The Legal Advisor also advised the Panel that they would also need to take in to consideration the applicant's previous convictions, how serious these matters had been, how long ago that they had occurred and the relevance of them in carrying out the role of a taxi driver.

The Chairman advised that the Panel would retire to consider its decision with the Legal Advisor and Senior Democratic Services Officer (for legal and administrative purposes only and neither would take part in the decision making process).

The Panel retired and considered its decision in private. On returning, the Chairman announced the decision and reasons for the decision.

**The meeting closed at 9.45am**