



REGULATORY SUB COMMITTEE

2pm to 3.55pm

20 May 2013

Present: Councillors Kendrick (chair), Manning, Maxwell, Neale and Price

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. EXCLUSION OF PUBLIC

RESOLVED to exclude the public from the meeting during consideration of items *4 to *9 below on the grounds contained in paragraphs 1 and 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972 (as amended).

***4. APPLICATION FOR GRANT OF A HACKNEY CARRIAGE DRIVERS LICENCE: CASE NUMBER 12/02254/HACKD (PARAGRAPHS 1 AND 3)**

(The applicant attended the meeting for this item and his spouse was also present. He agreed that the licensing assistant attending the meeting for training purposes could observe the proceedings. He confirmed that he was content to attend the meeting without legal representation. He produced his DVLA licence for inspection by the committee.)

The licensing manager referred to the report and said that the applicant was aware of the procedures in respect of the admission of “older” convictions. In reply to a question the applicant confirmed that he was aware of the procedures and that he did not object to the spent convictions being admitted.

The applicant explained the circumstances surrounding his convictions for battery on 17 July 2011 and disqualification from driving on 2 March 2012 and answered questions from members on his spent convictions. He confirmed that he did not declare his conviction on 19 June 2012 for battery, on his licence application as his wife made a mistake in completing the form on his behalf.

(The applicant and wife together with the licensing manager and licensing assistant left the meeting at this point.)

Following discussion it was:

RESOLVED, unanimously, to refuse the application for the grant of a hackney carriage drivers licence, (case number 12/02254/HACKD) because of concerns about the applicant's history of violence. The committee also would like to see the applicant fulfil a period of 12 months without a conviction before they would wish to consider another licence application.

(The applicant, his spouse and the licensing manager, together with the licensing assistant, were admitted to the meeting and informed of the decision minuted above. The legal advisor informed the applicant that he would receive written notification of the committee's decision and that he had the right to appeal against the decision at the Magistrates' Court within twenty-one days from the date of receiving written notification.)

***5. APPLICATION FOR GRANT OF HACKNEY CARRIAGE DRIVERS LICENCE: CASE NUMBER 12/02330/HACKD (PARAGRAPHS 1 AND 3)**

(The applicant attended the meeting for this item and his sponsor was also present. He agreed that the licensing assistant attending the meeting for training purposes could observe the proceedings. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee.)

The licensing manager presented the report. The applicant explained the circumstances of his convictions for exceeding the statutory speed limit on 27 April 2009, and two convictions on 13 July 2010 and 14 July 2010 for breach of requirements as to the control of the vehicle, mobile phones etc. He explained that he did not have a fare in the car at the time.

The applicant briefly described the circumstances surrounding his conviction on 10 July 1991 for robbery and explained to the committee that his sentence was reduced for good behaviour.

(The applicant and his sponsor together with the licensing manager and licensing assistant left the meeting at this point.)

Following discussion it was:

RESOLVED, unanimously, to grant the application (case number 12/02330/HACKD) for a hackney carriage driver's licence for one year.

(The applicant and the licensing manager, together with the licensing assistant, were admitted to the meeting and informed of the decision minuted above. The chair advised the applicant to ensure that he was mindful of mobile phone regulations when driving a vehicle.)

***6. SUSPENSION/REVOCATION OF NORWICH CITY COUNCIL PRIVATE HIRE DRIVERS LICENCE NO 12/01110/PHDRIV (PARAGRAPHS 1 AND 3)**

(The applicant attended the meeting for this item. He agreed that the licensing assistant attending the meeting for training purposes could observe the proceedings. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee.)

The licensing manager presented the report. He explained his failure to give notification of his conviction on 6 October 2012. The applicant explained the circumstances surrounding his previous convictions on 1 August 2008 for exceeding the statutory speed limit on a public road and on the 29 May 2011 for failing to comply with traffic light signals.

(The applicant together with the licensing manager and licensing assistant left the meeting at this point.)

RESOLVED, with 4 voting in favour (councillors Kendrick, Manning, Maxwell and Price) and one against (Councillor Neale on the grounds that the applicant should also be given a 1 week suspension) to issue the application with a written warning reiterating the seriousness of speeding and the need to notify the licensing manager of any convictions within 7 days.

The applicant and the licensing manager, together with the licensing assistant, were admitted to the meeting and informed of the decision minuted above.

***7. SUSPENSION/REVOCATION OF NORWICH CITY COUNCIL PRIVATE HIRE DRIVERS LICENCE NO 12/02453/PHDRIV (PARAGRAPHS 1 AND 3)**

(The applicant attended the meeting for this item. He agreed that the licensing assistant attending the meeting for training purposes could observe the proceedings. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee.)

The licensing manager presented the report. The applicant explained the circumstances surrounding his conviction on 5 March 2013 for driving without due care and attention and circulated photographs and witness statements to the members. The applicant explained that he had not declared this conviction on his renewal application on 18 December 2012 as he did not receive a court summons until February 2013.

(The applicant together with the licensing manager and licensing assistant left the meeting at this point.)

RESOLVED, unanimously, to take no action against the applicant.

(The applicant and the licensing manager, together with the licensing assistant, were admitted to the meeting and informed of the decision minuted above.)

***8. APPLICATION FOR GRANT OF A 3 MONTH PRIVATE HIRE DRIVERS LICENCE: CASE NUMBER 12/01704/PHD3 (PARAGRAPHS 1 AND 3)**

(The applicant attended the meeting for this item. He agreed that the licensing assistant attending the meeting for training purposes could observe the proceedings. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee.)

The licensing manager referred to the report and said that the applicant was aware of the procedures in respect of the admission of “older” convictions. In reply to a question the applicant confirmed that he did not object to the spent convictions being admitted.

The licensing manager presented the report. The applicant explained the circumstances surrounding his convictions on 14 October 2008, 30 September 2009 and 9 June 2011 for exceeding the statutory speed limit on a public road and on the 6 December 2011 for failing to comply with traffic light signals. The applicant explained the circumstances of his older convictions (although he could not remember the details) but said that they could be due to doing a lot of mileage as part of his employment.

(The applicant together with the licensing manager and licensing assistant left the meeting at this point.)

RESOLVED, unanimously, to approve the grant of a 3 month private hire drivers licence: case number 12/01704/PHD3

The applicant and the licensing manager, together with the licensing assistant, were admitted to the meeting and informed of the decision minuted above.

***9. APPLICATION FOR GRANT OF A 3 MONTH PRIVATE HIRE DRIVERS LICENCE: CASE NUMBER 10/00196/PHD3 (PARAGRAPHS 1 AND 3)**

(The chair agreed to take the supplementary report as an urgent item due to the need to resolve the issue before the next sub committee meeting.)

(The applicant attended the meeting for this item. He agreed that the licensing assistant attending the meeting for training purposes could observe the proceedings. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his photo card DVLA licence for inspection by the committee and explained that he had recently sent away for a new paper counterpart.)

The licensing manager presented the report. The applicant explained the circumstances surrounding his conviction on 13 July 2010 and answered member's questions.

(The applicant together with the licensing manager and licensing assistant left the meeting at this point.)

RESOLVED: unanimously to approve the grant of a 3 month private hire drivers licence and to issue the applicant with a written warning: case number 10/000196/PHD3

(The applicant and the licensing manager, together with the licensing assistant, were admitted to the meeting and informed of the decision minuted above.)

CHAIR