



REGULATORY SUB COMMITTEE

2.00pm to 2.45pm

16 December 2013

Present: Councillors Gayton (chair), Button, Harris, Stammers and Stephenson

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 3 and 4 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.

*3. COMPLAINT AGAINST THE HOLDER OF NORWICH CITY COUNCIL HACKNEY CARRIAGE DRIVERS LICENCE : NO 13/01674/HACKD (PARAGRAPHS 1 AND 3)

(The taxi driver and his legal representative attended the meeting.)

The complainant had been invited but was not able to attend the meeting. The taxi driver's legal representative said that he would like the opportunity to question the complainant and therefore would ask that the hearing be deferred to the next meeting of the regulatory sub committee.

The chair confirmed that he had received additional letters in support of the taxi driver which had not been circulated to other members.

(The taxi driver, his legal representative and the licensing manager left the meeting at this point).

Following discussion it was:-

RESOLVED, unanimously, to:

- (1) Defer the hearing of the complaint to the meeting of the regulatory sub committee on 20 January 2014; and
- (2) Circulate the additional letters received by the Chair to committee members and the complainant.

(The taxi driver, his legal representative and the licensing manager were admitted to the meeting and informed of the decision minuted above. The taxi driver and his legal representative then left the meeting.)

***3. SUSPENSION/REVOCATION OF NORWICH CITY COUNCIL PRIVATE HIRE DRIVERS LICENCE: NO 13/01881/PHDRIV (PARAGRAPHS 1 AND 3)**

(The applicant attended the meeting for this item. He produced his DVLA licence for inspection by the committee).

The licensing manager presented the report.

The applicant explained the circumstances of his convictions on 15 January 2013 and 18 February 2013 for exceeding the statutory speed limit on a public road. He confirmed that there were no passengers in his vehicle when the offences took place. He apologised for not informing the council of his convictions.

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

Following discussion it was:-

RESOLVED, unanimously, to issue a formal written warning to the applicant.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The applicant then left the meeting.)

***4. SUSPENSION/REVOCATION OF NORWICH CITY COUNCIL PRIVATE HIRE DRIVERS LICENCE: NO 13/00608/PHDRIV (PARAGRAPHS 1 AND 3)**

The licensing manager explained that he had received a request from the applicant to defer the hearing to allow the applicant to be legally represented.

Following discussion it was:-

RESOLVED, unanimously, to defer the hearing of the item to the meeting of the regulatory sub committee on 20 January 2014.

CHAIR



REGULATORY SUB COMMITTEE

2:00pm to 3:10pm

20 January 2014

Present: Councillors Gayton (chair), Price, Maxwell and Wright

Apologies: Councillor Henderson

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 3 and 4 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.

*3. A COMPLAINT AGAINST THE HOLDER OF NORWICH CITY COUNCIL HACKNEY CARRIAGE DRIVERS LICENCE NO. 13/01674/HACKD (PARAGRAPHS 1 AND 3) (Report of the head of citywide services)

(The taxi driver and his legal representative attended the meeting)

The complainant had been invited, but was not able to attend the meeting. The legal representative said that the claims made against the taxi driver were strenuously denied. He said that Mr Jackson cannot operate from the rail station as he does not have a license to do so.

He stated that the complainant does not provide a description of the taxi, which is easily recognisable due to the *Brasteds restaurant* advertising covering the entire vehicle.

He highlighted the driver's 37 years working as a taxi driver during which he had never received a complaint. He asked the panel to note that Mr Jackson uses a taxi specifically designed for use by wheelchair users. He questioned why the complainant had not taken the opportunity to complain earlier when further evidence, such as CCTV footage, could have been procured.

In response to member's questions, the taxi driver explained that his vehicle had carried the *Brasteds restaurant* advertising for 18 months. He explained that a

permit is required to collect a fair from the bank at the taxi station and that his trips to the station would only have been to drop a passenger in the layby which is separate from the taxi rank. He said that whilst there are other Peugeot taxis operating within the city, his is the only one carrying *Brasteds restaurant* advertising.

(The taxi driver, his legal representative and the licensing manager left the meeting at this point).

After hearing from the licence holder in person and via his legal representative and after taking account of the agenda contents including the written statement of the complainant and after hearing from the licence holder's witness regarding the station taxi rank organisation councillors felt that this was a case of mistaken identity. They noted the distinctive appearance of the licence holder's vehicle and noted that it had been of this appearance since prior to the dates of the incidents referred to, that it was designed to accommodate disabled persons and that the licence holder had provided testimonials regarding his carrying of disabled persons. Councillors also noted that as the licence holder had never held a permit allowing waiting in the Railway Station taxi rank it was very unlikely that he would have been in the position in the front of the queue noted by the complainant as he was likely to have been prevented from reaching this position by other drivers even if he had been minded to attempt to wait there. As the same person was said to have been responsible for both occasions where the complainant was not carried the councillors felt that the licence holder was not the relevant person.

RESOLVED, unanimously:-

That the complaint against the licence holder not be upheld, the councillors being sure that whilst the complainant had suffered problems with obtaining transport these incidents did not relate to the actions of this licence holder.

(The taxi driver, his legal representative and the licensing manager were admitted to the meeting and informed of the reasoning and decision minuted above. The taxi driver and his legal representative then left the meeting.)

***3. SUSPENSION / REVOCATION OF NORWICH CITY COUNCIL PRIVATE HIRE DRIVERS LICENCE NO. 13/00608/PHDRIV (PARAGRAPHS 1 AND 3)**

(The taxi driver attended the meeting for this item. He produced his DVLA licence for inspection by the committee).

The licensing manager presented the report.

The taxi driver explained the circumstances of each of his convictions and confirmed that he currently had 15 penalty points on his licence. He confirmed that there were no passengers in his vehicle when the offences took place.

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

Following discussion it was:-

RESOLVED, unanimously:-

1. That any application for renewal of private hire drivers licence no. 13/00608/PHDRIV will be heard by councillors and shall not be dealt with under delegated powers to officers.
2. Councillors suggest that a device giving an audible warning of when the vehicle is travelling at close to or above the speed limit is fitted to the holder's vehicle (Ian – if there is a better way of phrasing this feel free).
3. Councillors suggest that the holder takes a speed awareness course.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The applicant then left the meeting.)

CHAIR