



REGULATORY SUB COMMITTEE

2.10pm – 4.45pm

17 October 2011

Present: Councillors Haynes (Chair), Banham and Wright

Apologies: N/a

1. APPOINTMENT OF CHAIR

RESOLVED to appoint Councillor Haynes as chair for the meeting.

2. EXCLUSION OF PUBLIC

RESOLVED to exclude the public from the meeting during consideration of Items *3 to *8 below on the grounds contained in paragraphs 1 and 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972.

*3. COMPLAINT AGAINST THE HOLDER OF HACKNEY CARRIAGE DRIVERS LICENCE NO. 11/01127/HACKD CASE NO. 16/31/3/359

(The licence holder, the complainant and his companion attended the meeting for this item).

The licensing manager presented the report. The complainant read out his statement and answered questions from members and the licensing manager. The licence holder presented his statement and answered questions from members and the licensing manager.

(The licence holder, the complainant and his companion and the licensing manager left the meeting at this point).

Following discussion it was –

RESOLVED unanimously to suspend the Norwich City Council Driver's Licence for 7 days under Section 61 of the Local Government (Miscellaneous Provisions) Act on the ground set out in sub-section (1) (b) namely:- " any other reasonable cause".

As a finding of fact, members found that: the complainant's evidence was more credible; the language used by the licence holder was unacceptable; it was unclear where the licence holder asked the complainant to leave the vehicle; and it was

unclear when the taximeter was started. Members were satisfied that the statutory ground for suspension contained in the preceding paragraph had been made out taking account of the language used by the licence holder and the unacceptable action of requiring the complainant to leave the vehicle, being in more detail than the licence holder's unjustified behaviour of halting the vehicle, opening a rear door and demanding the passenger leave the vehicle promptly.

(The licence holder and the licensing manager were re-admitted to the meeting and informed of the decision minuted above. The Solicitor informed the licence holder 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 of the date of this meeting. He was informed that the complainant would receive a copy of the committee's decision).

***4. APPLICATION FOR THE GRANT OF A 3 MONTH PRIVATE HIRE DRIVER'S LICENCE - CASE NO 16/31/3/752 (PARAGRAPHS 1 AND 3)**

(The applicant attended the meeting for this item. 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. In reply to a question the applicant said that he had not received any further convictions or formal cautions and was not aware of any pending prosecutions since he had completed his application form. He then answered detailed questions about the circumstances of his convictions on 14 November 2008 for using a vehicle uninsured against third party risks and 14 November 2008 for driving otherwise than in accordance with a licence.

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

Following a discussion it was -

RESOLVED unanimously to grant the private hire driver's licence in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair advised that the committee had the power to revoke, suspend or refuse to renew the licence in the future if his conduct was not up to the standard expected of a licence holder. The chair emphasised to the applicant of the need to observe speed limits and to read the green book).

***5. APPLICATION FOR THE GRANT OF A NORWICH CITY COUNCIL DRIVER'S LICENCE CASE NO. 16/31/3/753 (PARAGRAPHS 1 AND 3)**

(The applicant and his prospective employer attended the meeting for this item. The applicant 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. In reply to a question the applicant said that he had not received any further convictions or formal cautions and was not aware of any pending prosecutions since he had completed his application form.

(The applicant, his prospective employer and the licensing manager left the meeting at this point).

Following a discussion it was -

RESOLVED unanimously not to consider the applicant's 'spent' convictions as outlined in the report and therefore to grant the hackney carriage driver's licence in respect of this application.

(The applicant, his prospective employer and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair advised that the committee had the power to revoke, suspend or refuse to renew the licence in the future if his conduct was not up to the standard expected of a licence holder).

***6. SUSPENSION / REVOCATION OF NORWICH CITY COUNCIL PRIVATE HIRE DRIVERS LICENCE NO. 10/02368/PHDRIV CASE NO 16/31/3/735 (PARAGRAPHS 1 AND 3)**

(The licence holder attended the meeting for this item. 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. In reply to a question the licence holder said that he had not received any further convictions or formal cautions and was not aware of any pending prosecutions since he had completed his application form. He then answered detailed questions about the circumstances of his convictions on 13 February 2010 and 18 February 2011 for exceeding the statutory speed limit on a public road; 16 July 2010 for driving otherwise than in accordance with a licence and for a breach of requirements as to control of the vehicle, mobile telephones etc.

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

Following a discussion it was -

RESOLVED unanimously to take no action to suspend or revoke the Norwich City Council private hire driver's licence.

(The licence holder and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair advised that the committee had the power to revoke, suspend or refuse to renew the licence in the future if his conduct was not up to the standard expected of a licence holder).

***7. APPLICATION FOR RENEWAL OF PRIVATE HIRE DRIVER'S LICENCE NO. 11/01234/PHDRIV - CASE NO. 16/31/3/659 (PARAGRAPHS 1 AND 3)**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to

be. He was unable to produce his DVLA licence for inspection by the committee because it was currently with the DVLA).

The licensing manager presented the report. In reply to a question the applicant said that he had not received any further convictions or formal cautions and was not aware of any pending prosecutions since he had completed his application form. He then answered detailed questions about the circumstances of his convictions on 21 February 2009 and 25 May 2010 for exceeding the statutory speed limit on a public road.

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

Following a discussion it was -

RESOLVED unanimously to renew the private hire driver's licence, subject to the applicant presenting his DVLA licence for inspection to the licensing manager within 14 days of receipt from the DVLA.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair advised that the committee had the power to revoke, suspend or refuse to renew the licence in the future if his conduct was not up to the standard expected of a licence holder. The chair emphasised to the applicant of the need to observe speed limits and to read the green book).

***8. SUSPENSION / REVOCATION OF NORWICH CITY COUNCIL HACKNEY CARRIAGE DRIVERS LICENCE NO. 10/01754/HACKD CASE NO. 16/31/3/277 (PARAGRAPHS 1 AND 3)**

(The licence holder attended the meeting for this item. 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 and informed members that the date within paragraph three of the report should read 15 April 1996 (rather than 15 April 2006). In reply to a question the licence holder said that he had not received any further convictions or formal cautions and was not aware of any pending prosecutions since he had completed his application form. He then answered detailed questions about the circumstances of his conviction on 12 July 2011 for harassment without violence.

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

Following a discussion it was -

RESOLVED unanimously to take no action to suspend or revoke the Norwich City Council private hire driver's licence.

(The licence holder and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair advised that the committee had the power to revoke, suspend or refuse to renew the licence in the future if his conduct was not up to the standard expected of a licence holder).

CHAIR