



Regulatory Subcommittee

14:00 to 16:00

21 November 2022

Present: Councillors Huntley (chair), Brociek-Coulton, Grahame and Kidman

1. Declarations of Interest

There were no declarations of interest.

2. Exclusion of the public

RESOLVED to exclude the public from the meeting during consideration of item *3 to 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. Application for the grant of a private hire drivers licence: application ref 22/01868/PHDRIV**

(The applicant and the public protection licensing adviser were admitted to the meeting).

The chair introduced members of the committee to the applicant. The committee confirmed the applicant's identity using the applicant's driving licence. The applicant confirmed that he was aware of his right to legal representation but had chosen not to be. The applicant also confirmed that there were no pending court cases against him. The applicant advised he had not read the report. The applicant was then provided with a copy of the report, and this was read out fully by the public protection licensing adviser in her presentation.

The public protection licensing adviser presented the report.

The applicant answered questions from members in relation to his caution in April 2019 and provided detail surrounding the circumstances and the stresses he had been suffering from at the time relating to his immigration status.

He assured committee this was a one off matter and that he had been young and foolish. He was now in a relationship and had a baby on the way and wanted a permanent job to support his family.

The applicant answered questions from members in relation to the offence in November 2019. Committee noted that the offence took place in May 2019

although the date of the conviction was November 2019. The applicant referred to the stresses he had been under at that time and advised that these triggers no longer applied due to his changed situation.

A member asked for details surrounding the applicant's speeding offence in January 2019. The applicant advised that he was caught by a camera travelling at 34mph in a 30mph zone. He advised that he had a friend in the car and had sped up after passing through traffic lights. He had been influenced by peer pressure and regretted his actions. The chair noted if the applicant were granted a licence he might have a passenger in the car who encouraged him to speed and asked how he would respond. The applicant advised he would not risk losing his licence and would tell the passenger it was his job to get him to his destination safely.

The applicant confirmed in response to a member question that he had been driving without incident for the last three years. The applicant emphasised that he had a good work history and could provide references from his current and previous employers stating this.

The chair noted the applicant had said in relation to his caution in April 2019 that it was a one off event but he had been caught committing a similar offence in May 2019. The applicant advised that he had responsibility now and again referred to his good work history.

A member asked the applicant why he had not read the committee report, he advised it had been sent to his family's address but he had been staying with his girlfriend. He advised that his family address was his permanent home where he could be contacted.

In response to questions from the legal advisor to the committee, the applicant advised that he was driving a car at the time of his April 2019 caution and that he did not have a passenger with him. In reference to the May 2019 offence with a November 2019 conviction date, the applicant confirmed he was in a car and had no passengers with him. The legal advisor summarised that the applicant had been stopped by the police due to a problem with his car lights in April 2019 and asked why he was stopped in May 2019. The applicant could not recall.

(The applicant and the public protection licensing adviser withdrew from the meeting at this point.)

Members discussed the merits of granting the private hire driver's licence. Committee noted the speeding incident was an isolated event of speeding over three years ago. Members were concerned in relation to the offences in April and May 2019 but noted the emotional triggers for this had now been resolved following the receipt of residency papers and an increase in maturity. Members were concerned over the lack of clarification from the applicant regarding those offences but considered on balance that he passed the fit and proper person test.

It was **RESOLVED** to grant the application.

(The applicant and the public protection licensing adviser were readmitted to the meeting and informed of the subcommittee's decision.)

***4. Application for renewal of a private hire drivers licence: case number 22/00746/PHDRIV**

(The applicant and the public protection licensing adviser were admitted to the meeting.)

The chair introduced members of the committee to the applicant. The committee confirmed the applicant's identity using the applicant's driving licence. The applicant confirmed that he was aware of his right to legal representation but had chosen not to be legally represented. The applicant also confirmed that there were no pending court cases against him and that he had received the committee report.

The public protection licensing adviser presented the report.

Members noted that the address on the application was different to that on the applicant's driving licence. The applicant confirmed that the address on his renewal application was correct and he needed to update the address on his driving licence.

Members asked if the applicant had understood the online application form because it was not completed and he had not disclosed his offence. The applicant advised he had a friend help him but struggled with online forms.

The applicant answered questions from members on the context of the offence detailed in the report of using a vehicle uninsured. The applicant advised that he was test driving his friend's car and considered that he was insured as he had fully comprehensive insurance on his own car. The applicant thought because he had fully comprehensive insurance he was covered as a third party driver to drive his friend's car. The applicant was stopped by the police whilst out on the test drive and was told he was not insured.

The applicant had checked with his insurer and the law had changed and he was required to specifically add in the option to drive other cars as a third party. He emphasised that at the time his understanding was that he was insured. In response to member questions the applicant advised he drove a company vehicle which he rented on a weekly basis and he was covered under his company's insurance. Members wished to see evidence that the applicant was appropriately insured.

In response to member questions the applicant confirmed that he had not read the 'green book', which covered rules for taxi drivers, he advised that if the application to renew his licence was granted then he would read this. In response to a question from the chair the applicant confirmed that he had been a taxi driver since 2016. The chair was concerned that this was a long time to be driving without reading the rules.

The chair queried the applicant's change of name on his renewal application in 2019 and noted he had returned to his former name on this renewal application. The applicant advised that he had returned to using his full name and that he had not used any other names.

(The applicant and the public protection licensing adviser withdrew from the meeting at this point.)

Members discussed the merits of renewing the private hire drivers licence. Committee were concerned that the applicant had not read the green book.

Committee accepted the applicant's explanation as to why the offence had occurred and that it was not a deliberate act but one arising from ignorance of a change in the law. Committee applied its guidelines and noted it was a single incident and the applicant had been driving a long time without any other incident of concern having arisen. Committee felt that on balance the applicant met the fit and proper person test. Committee were concerned to ensure the applicant had appropriate insurance and determined to grant the renewal on the condition that he provide evidence of his insurance to the licensing department within the next seven working days.

It was **RESOLVED** to grant the renewal for the full period on condition that evidence of the applicant's insurance be provided to the licensing department within the next seven working days.

(The applicant and the public protection licensing adviser were readmitted to the meeting and informed of the subcommittee's decision. The applicant was informed of his right to appeal within 21 days of receipt of written notification of the decision.)

CHAIR



Regulatory Subcommittee

14:05 to 15:30

12 December 2022

Present: Councillors Stutely (Chair), Catt, Peek and Schmierer

Apologies Councillor Sands (S)

1. Declarations of Interest

There were no declarations of interest.

2. Exclusion of the public

RESOLVED to exclude the public from the meeting during consideration of item *3 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. Application for the grant of a private hire drivers licence: application ref 22/02037/PHDRIV

(The applicant and the public protection licensing adviser were admitted to the meeting).

The chair introduced members of the committee to the applicant. The committee confirmed the applicant's identity using the applicant's driving licence. The applicant confirmed that he was aware of his right to legal representation but had chosen not to be. The applicant also confirmed that there were no pending court cases against him. The chair referred to the reference the applicant had brought with him from the taxi company he proposed to work for and advised this had been circulated to members of the committee.

The public protection licensing adviser presented the report.

The applicant answered questions from members in relation to his convictions in April 2021 and provided detail surrounding the circumstances. The chair queried why the applicant had not declared his offences when he sought to make his application. The applicant advised that he mentioned his offences when he submitted his application in person and was advised to complete nil on the form and that a note would be made by the officer receiving the application.

In reference to his offences the applicant detailed the circumstances surrounding these. The chair summarised that the offences related to the applicant taking his

wife to hospital and the applicant confirmed this was the case. The applicant advised that he understood this was not an excuse but did provide mitigation.

He regretted his decision and advised it had had a big financial and psychological impact on his family.

In response to a question as to why he had failed to inform the council of his convictions the applicant advised that he had rung the council several times but could not get through to the licensing department. The applicant had completed the application in person with a licensing officer and was advised to put nil on the form and that a note would be made regarding his convictions. The legal advisor to the committee sought clarity from the applicant as to whether he had advised the council of his offences.

The applicant strongly refuted the claim that he had not declared his offences he countered that it would be illogical not to declare his offences on the form and then to declare in interview. A member noted that the application form was signed the same date as the applicant's interview with the licensing department. The chair asked the licensing advisor if it was possible that the applicant had been advised to complete the form with nil and that a note would be made by the officer on the application. The licensing advisor confirmed that this could be possible.

In response to a member question the applicant advised that he had tried to find different solutions on the date of his convictions to get home but nothing was available. A member asked since the offence how the applicant's behaviour had changed. The applicant became distressed when he referred to the shame he felt at this convictions.

(The meeting was adjourned for a short break at this point)

The chair asked the applicant why committee should make an exception and grant his application. The applicant stressed that he was not driving as a taxi at the time of his conviction, it was in lockdown and there were exceptional circumstances in that his wife had a medical emergency. Apart from the two convictions garnered on the same night he had been driving a long time without any issues.

(The applicant and the public protection licensing adviser withdrew from the meeting at this point.)

Members discussed the merits of granting the private hire drivers licence. Committee accepted the evidence that the offences related to a particular event and were unlikely to be repeated. Committee were concerned to ensure any convictions were declared and agreed to grant the licence on condition that a DVLA and DBS check be completed after 12 months at the applicant's expense.

It was **RESOLVED** to grant the private hire drivers licence for the full period on condition that a DVLA and DBS check are conducted after 12 months at the applicant's expense.

(The applicant and the public protection licensing adviser were readmitted to the meeting and informed of the subcommittee's decision. The applicant was informed of his right to appeal within 21 days of receipt of written notification of the decision.)

CHAIR



Regulatory Subcommittee

14:00 to 16:10

13 February 2023

Present: Councillors Fulton-McAlister (E) (vice chair in the chair), Huntley and Schmierer

Apologies: Councillors Stutely (chair) and Price

1. Declarations of Interest

There were no declarations of interest.

2. Exclusion of the 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, as amended.

***3. Suspension/Revocation of a Hackney Carriage Driver's Licence – ref 21/01705/**

(The licensee (applicant) and the public protection licensing adviser (licensing officer) were admitted to the meeting.)

The chair introduced members of the committee, the legal advisor and the council officers to the licensee. The subcommittee confirmed the licensee's identity using the licensee's driving licence. The licensee confirmed that he had received the report and that he was aware of his right to legal representation but had chosen not to be. The licensee also confirmed that there were no pending court cases or convictions against him.

The public protection licensing adviser presented the report.

The licensee answered questions on the circumstances leading to his conviction for using a mobile phone whilst in a taxi rank. He explained that he had been using his mobile phone to take photographs to provide evidence to the county council that the rank was being used illegally by private hire taxi drivers and other drivers, and he did not consider that the police in attendance were taking any action. Only one of the photographs had been taken while the applicant was in his vehicle, which had been stationary in the rank, but he had kept the engine running to keep warm because of the cold weather. (Copies of this photograph and other photographs, taken outside the vehicle, were circulated at the subcommittee.) The licensee had then received a

letter from the police (which was circulated at the meeting) advising him that he had committed an offence. He had received his driving licence in 1983 and was not aware at the time that he had broken the law by using a mobile phone in a stationary vehicle with the engine running.

The licensee also provided information on his previous conviction in for using a mobile phone whilst driving. He said that since then he had been very careful not to break the law as his family relied on his income as a hackney carriage driver.

(The licensee and the public protection licensing adviser withdrew from the meeting at this point.)

Members discussed the merits of renewing the hackney carriage driver's licence. Members considered the *Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades*, paragraph 15, General Traffic Offences, which advised that more than one conviction for this type of offence within the last 5 years should merit refusal. Having heard the licensee's explanation, considered that the subcommittee agreed to deviate from the policy and take no action, but with a warning to the licensee that it would be difficult to deviate from the policy a second time if he committed another offence. The subcommittee appreciated that the licensee had informed the licensing team of the offence. Members were sympathetic to the hackney carriage drivers about the misuse of taxi ranks and would encourage the licensee and colleagues to continue to submit evidence to the county council but to be mindful of the law in doing so.

The subcommittee therefore considered that the licensee was a fit and proper person and to take no further action and to advise the licensee to ensure that his knowledge of the Highway Code was up to date.

RESOLVED to take no further action.

(The licensee and the public protection licensing adviser were readmitted to the meeting and informed of the subcommittee's decision and that he would receive confirmation in writing from the licensing officer. The licensee and public protection licensing adviser then left the meeting.)

***4. Application for the Grant of a Private Hire Driver's Licence –
Application ref 22/02298 PHDRIV**

(The applicant did not attend the meeting at the time requested. The subcommittee agreed to defer consideration of the item to later on the agenda and then when it became apparent that the applicant was not attending took the decision to defer consideration to the next meeting of the subcommittee.)

RESOLVED to defer consideration of this application for the grant of a Private Hire Driver's licence to the next meeting of the subcommittee.

***5. Application for the Grant of a Private Hire Driver's Licence –
Application re 22/02580 PHDRIV**

(The applicant, attended by her partner and the and the public protection licensing adviser (licensing officer) were admitted to the meeting.)

The chair introduced members of the committee, the legal advisor and the council officers to the applicant. The subcommittee confirmed the licensee's identity using the licensee's driving licence. The applicant confirmed that she had received the report and that she was aware of her right to legal representation but had chosen not to be. The licensee also confirmed that there were no pending court cases or convictions against her.

The public protection licensing adviser presented the report.

The applicant explained the circumstances that had led to a conviction in 2015 referred to in paragraph 3 of the report. She explained that she had not realised that it was a conviction. The legal advisor referred to the guidance said that the conviction had expired as 5 years had passed.

The applicant's partner spoke in support of the applicant and said that he had lost his business recently and that they had applied for private hire driver's licences to support their family. The applicant said that if she did not have a private hire driver's licence, she would not be able to use the private hire vehicle, which was their only car, for family use.

(The applicant, her partner and the public protection licensing adviser withdrew from the meeting at this point.)

The subcommittee considered that according to the provision in the *Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades* over five years had passed, and the conviction had therefore expired. Members considered that the conviction had been due to a single one-off set of circumstances and that from what the applicant had told them, considered that the applicant was a fit and proper person to hold a licence.

RESOLVED to grant a private hire driver's licence reference Application ref 22/02580 PHDRIV.

(The applicant, her partner and the public protection licensing adviser were readmitted to the meeting and advised of the subcommittee's decision and that the applicant would receive confirmation in writing from the licensing officer. The applicant and the public protection licensing adviser then left the meeting.)

***6. Application for the Grant of a Private Hire Driver's Licence –
Application ref: 22/022531/PHDRIV**

(The applicant and the and the public protection licensing adviser (licensing officer) were admitted to the meeting.)

The chair introduced members of the committee, the legal advisor and the council officers to the applicant. The subcommittee confirmed the licensee's identity using the licensee's driving licence. The applicant confirmed that he had received the report and that he was aware of his right to legal representation but had chosen not to be. The licensee also confirmed that there were no pending court cases or convictions against him.

The public protection licensing adviser presented the report.

The applicant explained the circumstances that had led to the convictions for offences as set out in paragraph 3 of the report. He confirmed that he had obtained false identification in an attempt to obtain a national insurance number in order to be able to work. The applicant said that he had moved on from this and now had a family with young children and worked as a carer.

(The licensee and the public protection licensing adviser withdrew from the meeting at this point.)

The subcommittee considered that the applicant was a fit and proper person to hold a licence and no risk to the safety of the public. Members considered that from what the applicant had told them he understood the issues that had led to the isolated incident leading to his convictions in 2015. The subcommittee recommended that the applicant read the Green Book thoroughly.

RESOLVED to grant a private hire driver's licence reference Application ref: 22/022531/PHDRIV.

(The applicant and the public protection licensing adviser were readmitted to the meeting and advised of the subcommittee's decision and that the applicant would receive confirmation in writing from the licensing officer. The applicant was advised to read the Green Book. The applicant and the licensing protection adviser then left the meeting.)

(The licensing protection adviser was readmitted to the meeting.)

***7. Immediate Revocation Private Hire Driver's licence no 22/00295 PHDRIV**

The licensing protection adviser reported on the immediate revocation of a private hire driver's licence (ref 22/00295 PH DRIV) under delegated powers, following an alleged assault of a passenger caught on CCTV. The licensee surrendered his badge the same day and had subsequently returned his licence plate, which had alleviated concerns that he was using his private hire vehicle. The incident had been raised with the police.

RESOLVED to note the verbal report.

***8. Immediate Revocation Hackney Carriage Driver's licence no 22/01584 HACKD**

The licensing protection adviser reported on the immediate revocation of a hackney carriage driver's licence (ref 22/00295 PHDRIV) under delegated powers to suspend a driver who had been arrested and bailed for drink driving on 12 January 2023. Enforcement officers had served the notice but despite taking all practical steps were unable to contact the licensee to surrender his badge and licence plate. This was ongoing and the police were also aware. There was concern that this driver would continue to work despite the immediate revocation.

During discussion members suggested that the Chair of the Norwich Hackney Trade Association should be informed to look out for this driver.

RESOLVED to note the verbal report and to ask the public protection adviser to notify the chair of the Norwich Hackney Trade Association of the situation.

CHAIR



Regulatory Subcommittee

14:00 to 14:30

13 March 2023

Present: Councillors Stutely (chair), Catt, Grahame and Kidman

Apologies: Councillor Peek

1. Declarations of Interest

There were no declarations of interest.

2. Exclusion of the public

RESOLVED to exclude the public from the meeting during consideration of item *3 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. Application for the Grant of a Private Hire Driver's Licence –
Application re 22/02298/PHDRIV**

(The applicant and the public protection licensing adviser (licensing officer) were admitted to the meeting.)

The chair introduced members of the committee, the legal advisor and the council officers to the applicant. The subcommittee confirmed the applicant's identity using the applicant's driving licence. The applicant confirmed that there were no pending court cases or convictions against him.

The public protection licensing adviser presented the report.

The applicant explained, and answered members' questions on, the circumstances that had led to the two convictions, one in 2001 and one in 2004, referred to in paragraph 3 of the report. He confirmed that since the convictions he had turned his life around and had not had any further issues in the past 18 years. He regretted the convictions and made changes to ensure that anything similar never happened again, which included breaking off contact with the individuals involved in the 2001 conviction.

(The applicant and the public protection licensing adviser withdrew from the meeting at this point.)

The subcommittee considered that, due to the length of time that had elapsed since the convictions and that there were no further issues, he was a fit and proper person to hold a licence. Members considered that the applicant was remorseful of the convictions and had made changes to his life.

RESOLVED, unanimously, to:-

- 1) Grant a private hire driver's licence reference Application ref 22/02298/PHDRIV;
- 2) Ask officers to provide a physical copy of the Green Book; and
- 3) Remind the applicant that all convictions, however minor, must be reported to the licensing authority within 7 days.

(The applicant, and the public protection licensing adviser were readmitted to the meeting and advised of the subcommittee's decision and that the applicant would receive confirmation in writing from the licensing officer.)

CHAIR