



REGULATORY SUB COMMITTEE

14:00 to 15:40

14 May 2018

Present: Councillors Maxwell (in the chair), Ackroyd and Malik

Apologies: Councillor Jones (B)

1. Appointment of Chair

RESOLVED to appoint Councillor Maxwell as chair.

2. Exclusion of the Public

RESOLVED to exclude the public from the meeting during consideration of item *3 to *5. below on the grounds contained in paragraphs 1 and 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972.

***3. Application for grant of Private Hire Drivers' Licence – Application ref: 17/01104/PHDRIV (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 and paper counterpart for inspection by the committee and confirmed that he had been provided with a copy of the report before the meeting. A full copy of the committee report was provided to the applicant at the meeting).

The licensing assistant presented the report.

The applicant explained the circumstances of his convictions as set out in the appendix to the report and answered members' questions. He explained that he was self-employed as a floor layer and that he wanted to work as a private hire driver to enhance his income and as insurance against lack of business. He was a family man and was about to purchase a house that could be adapted for his disabled child. In reply to a member's question, the applicant explained the circumstances that led him to be disqualified from driving for 6 months on 5 May 2015. He had just moved house and because his insurance had been cancelled had been caught driving without insurance. The applicant referred to the other convictions and said that he had learned his lesson. He would be able to work for his father who was a licence

holder. The floor laying business was doing well and taxi driving would be an additional “insurance”.

In reply to a question from the sub-committee’s legal adviser, the applicant said that he had not received any further convictions or formal cautions and was not aware of any pending prosecutions since his application had been made.

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

Following discussion it was:-

RESOLVED, unanimously, to grant the applicant (application reference 7/01104/PHDRIV) a private hire drivers’ licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976.

(The applicant and the licensing assistant were admitted to the meeting and informed by the chair of the decision minuted above. The chair advised the applicant to read the Green Book and to ensure that he reported any new conviction to the council within 7 days of the incident. The applicant and the licensing assistant then left the meeting.)

***4. Suspension/revocation of Norwich City Council Hackney Carriage Drivers’ Licence (paragraphs 1 and 3)**

The licensing assistant circulated an email from the licensee’s legal adviser requesting that the hearing be rescheduled to the meeting of the subcommittee on 11 June 2018.

Members expressed concern that the email to the environment, licensing and markets manager was dated 30 April 2018 and as the agenda was published on 2 May 2018 should not have been included in the papers for the meeting.

RESOLVED to note that this report had been withdrawn from the agenda and will be considered at the meeting of the subcommittee on 11 June 2018.

***5. Application for grant of Private Hire Drivers’ Licence – Application ref: 18/00018/PHDRIV (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 inspection by the committee and confirmed that he had been provided with a copy of the report before the meeting. A full copy of the committee report was provided to the applicant at the meeting).

The licensing assistant presented the report. In reply to a question from the licensing assistant, the applicant confirmed he had not received any further convictions or formal cautions and was not aware of any pending prosecutions since his application had been made.

The chair pointed out that the subcommittee would make its decision with regard to the council’s policy guidelines. The legal adviser referred to further information on

the applicant's driving licence and said that the applicant had received 3 points on his licence and an £83 fine on 31 January 2013 which had not been declared. The applicant said that he had considered this conviction as spent and could not remember the circumstances. The chair advised the applicant that this was not the case for taxi drivers,

The applicant explained the circumstances of his convictions as set out in the appendix to the report and answered members' questions about the convictions dating from 2013, in relation to harassment and possession of illegal drugs. He said that he was ashamed of his past behaviour and that he no longer drank alcohol or smoked cannabis. He worked as an on-line estate agent for property abroad, had an import business and wanted to be a taxi driver in order to meet people and supplement his income as business had slowed down. Members of the subcommittee asked particular questions as to how the applicant would deal with difficult situations and customers. The applicant said that he took responsibility for his past actions and said that he was into fitness and that his son stayed with him during university vacations. The applicant confirmed that he had sufficient opportunity to advise the subcommittee of anything that was helpful to his application.

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

RESOLVED, unanimously, to

- (1) disregard any convictions or previous matters relating to the applicant, which had occurred prior to 2012;
- (2) to refuse the grant of a private hire driver's licence to the applicant (application reference 18/00018/PHDRIV) as the committee felt the applicant did not satisfy the test of being a fit and proper person to hold a PHV driver's licence under s51 LG(MP)Act 1976. In coming to this view the committee took account of the general policy guidelines, gave weight to the convictions dating from 2013 including a conviction for a drug related offence within the last three years and took account of the evidence from the applicant given at the committee hearing.

(The applicant and the licensing assistant were admitted to the meeting and informed by the subcommittee's legal adviser of the decision minuted above. He advised the applicant that he would receive written notification of the right to appeal against this decision to the Magistrates' court within 21 days of receipt of the written notification, and would suggest that he took legal advice. The applicant and the licensing assistant then left the meeting.)

CHAIR