



Regulatory Sub-Committee

14:30 to 15:40

8 April 2024

Present: Councillors Stutely (Chair), Ackroyd, Carrington and Peek

Apologies: Councillor Worley

1. Declarations of Interest

There were no declarations of interest received from members.

2. Exclusion of the Press and Public

RESOLVED that the press and public be excluded from the meeting during consideration of items *3 and *4 below on the grounds that they contained exempt information as defined in Paragraphs 1 and 3 of Part 1 to Schedule 12(A), as amended of the Local Government Act 1972.

*3. Application for the Grant of a Private Hire Drivers' Licence – Application ref 24/00165/PHDRIV

(The Licensing Adviser and the applicant who attended the meeting for this item, were admitted to the meeting. The Licensing Adviser (the report author) also 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 applicant also provided a copy of a Right to Reside certificate dated to 31 December 2024.

The Licensing Adviser presented the report.

The applicant then answered questions on the circumstances surrounding the convictions on 17 May 2022. The applicant had been a learner driver at the time and been driving his own car. He had driven his car to the shops without L plates, using provisional insurance, therefore invalidating the insurance. Also, the applicant was accompanied by a friend who at 20 years old, and with less than three years driving experience on his licence, was not eligible to accompany a learner driver. The applicant passed his driving test two weeks later. The applicant confirmed that he had provided evidence of the Right to Reside in the UK to the end of December 2024 and that his Right to Work currently expired on 15 September 2024. He also

explained that as English was his second language, he had made an incorrect statement on the application form about his convictions. He also confirmed that since the application form had been completed that he had no further convictions or cautions or matters pending. A taxi company was willing to take on the applicant as a private hire driver.

(The applicant and Legal Advisers then left the meeting whilst the subcommittee adjourned for its deliberations.)

Following discussion, it was

RESOLVED, unanimously, that the subcommittee considers that the applicant is a fit and proper person and grants a licence with a fixed term expiring on 15 September 2024. Secondly, to delegate to officers any extension of this fixed term, subject to evidence being provided of valid certificates for the applicant's Right to Work and authorised residency in the UK, for up to a three-year period from the date of grant, in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and the Norwich City Council Taxi and Private Hire Licence conditions and policies. In making its decision, the subcommittee considered that the applicant's conviction for driving without third party insurance related to an isolated incident and was caused by an inadvertent mistake and that the failure to disclose the convictions was due to English being his second language and was a mistake rather than being an intentional decision to avoid disclosing matters relevant to the application process.

(The Licensing Adviser was readmitted to the meeting and informed of the subcommittee's decision. The chair advised the applicant to ensure that he was conversant with the Green Book.)

***4. Application to Determine Renewal of Private Hire Driver's Licence (Case no 21/01612/PHDRIV**

(The Licensing Adviser was admitted to the meeting. The licence holder did not attend the meeting for this item.)

The Licensing Adviser assured the sub-committee that the licence holder had been sent a copy of the report and advised of the meeting, in writing and by email. The licence holder had not responded to the invitation to attend the meeting and no emails had been undelivered or letters returned. The subcommittee agreed to proceed in the absence of the licence holder.

The Licensing Adviser presented the report and explained that the licence holder had sought to renew the private hire driver's licence in September 2021 but had failed to provide the necessary checks in accordance with policy. The licence holder had not replied to emails requesting this information from the Licensing Office. The medical details provided by the licence holder in September 2021 were now out of date.

(The Licensing Adviser left the meeting at this point.)

RESOLVED, unanimously, to refuse to renew the licence holder Private Hire Drivers' Licence: Case Number 21/01612/PHDRIV for any other reasonable cause, in that, given the time that had elapsed, the applicant had failed to provide the necessary

information to demonstrate that he satisfied the test of being a fit and proper person to hold such a licence, under Section 61 of the Local Government (Miscellaneous Provisions) Act, 1976.

(The Licensing Adviser was readmitted to the meeting and informed of the Sub-Committee's decision and advised that the licence holder had the right to appeal within 21 days of receipt of that letter. The letter would be hand delivered by the Licencing Enforcement Officer.)

CHAIR