



Regulatory Subcommittee

14:00 to 15:30

9 March 2020

Present: Councillors Stutely (chair), Fulton-McAlister (E) and Oliver
(substitute for Councillor Ryan)

Apologies: Councillors Brociek-Coulton, Grahame and Ryan

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 and *6 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 renewal of a private hire drivers licence: case numbers 19/01874/PHDRIV

(The applicant, the public protection licensing advisor and the public protection team leader were admitted to the meeting. The applicant produced his DVLA licence for inspection by the committee. A copy of the report was provided to the applicant at the meeting.)

The applicant explained the circumstances of the convictions against him and answered member's questions. He understood he was able to seek legal representation and have a representative attend with him. The applicant advised he had no pending matters outstanding.

(The applicant, the public protection licensing advisor and the public protection team leader left the meeting at this point.)

The subcommittee considered the circumstances surrounding the convictions against the applicant and the council's conviction policy. The committee reviewed the evidence and did not speculate on information they did not have and considered the applicant passed the fit and proper person test.

RESOLVED, unanimously, to renew private hire drivers licence: case number 19/01874/PHDRIV

(The applicant, the public protection licensing advisor and the public protection team leader were admitted to the meeting. The chair informed the applicant of the subcommittee's decision and listed the reasons for the decision as minuted above. The legal advisor advised the applicant that he would receive written notification of the subcommittee's decision. The applicant, the public protection licensing advisor and the public protection team leader then left the meeting.)

***4. Application for renewal of a private hire drivers licence – application ref: 20/00427/PHDRIV**

(The public protection licensing advisor and the public protection team leader were admitted to the meeting.)

The public protection team leader advised that the applicant made an application to renew his private hire driver's licence in April 2019 and subsequently failed to provide the following documentation to support his application:

- Completed DBS application form
- Copy of DVLA licence
- Completed mandate to check his DVLA driving record
- Medical certificate completed by his GP

The licensing department had written to the applicant twice requesting the information required to process his application. The applicant had been invited to attend committee but had not responded and had not attended the meeting.

(The public protection licensing advisor and the public protection team leader left the meeting at this point.)

The subcommittee considered that they could not determine if the applicant was a fit and proper person, the applicant had not attended the meeting and had failed to provide the necessary information to consider his application.

RESOLVED, unanimously, to refuse the renewal of private hire drivers licence to the applicant (application reference 20/00427/PHDRIV) as the committee considered that the applicant had not provided the necessary information to demonstrate that he satisfied the test of being a fit and proper person to hold such a licence under s51 LG(MP)Act 1976.

(The public protection licensing advisor and the public protection team leader were readmitted to the meeting. The chair informed officers of the subcommittee's decision. The legal adviser asked the licensing department to write to the applicant to advise of the subcommittee's decision and of his right to appeal to the Magistrates' court within 21 days of receipt of the written notification. If the applicant chose not to appeal, he could apply again for a licence in the future).

***5. Application for renewal of a private hire drivers licence – application ref: 19/00448/PHDRIV**

(The public protection licensing advisor and the public protection team leader were admitted to the meeting.)

The public protection team leader advised that the applicant made an application to renew his private hire driver's licence in February 2019 and subsequently failed to provide the following documentation to support his application:

- Disclosure certificate from the DBS

The licensing department had written to the applicant thrice requesting the information required to process his application. The applicant had been invited to attend committee, responded to confirm his attendance but had not attended the meeting.

(The public protection licensing advisor and the public protection team leader left the meeting at this point.)

The subcommittee considered that they could not determine if the applicant was a fit and proper person, the applicant had not attended the meeting and had failed to provide the necessary information to consider his application.

RESOLVED, unanimously, to refuse the renewal of private hire drivers licence to the applicant (application reference 19/00448/PHDRIV) as the committee considered that the applicant had not provided the necessary information to demonstrate that he satisfied the test of being a fit and proper person to hold such a licence under s51 LG(MP)Act 1976.

(The public protection licensing advisor and the public protection team leader were readmitted to the meeting. The chair informed officers of the subcommittee's decision. The legal adviser asked the licensing department to write to the applicant to advise of the subcommittee's decision and of his right to appeal to the Magistrates' court within 21 days of receipt of the written notification. If the applicant chose not to appeal, he could apply again for a licence in the future).

***6. Application for renewal of a hackney carriage drivers licence – application ref: 18/01543/HACKD**

(The public protection licensing advisor and the public protection team leader were admitted to the meeting.)

The public protection team leader advised that the applicant made an application to renew his hackney carriage driver's licence in October 2018 and subsequently failed to provide the following documentation to support his application:

- Medical certificate completed by his GP

The licensing department had written to the applicant thrice requesting the information required to process his application. The applicant had been invited to attend committee. He had responded by email the morning of the meeting and stated that he was unable to attend as he had a full time job which he could not get time off from. He had requested leniency and advised he would provide a medical certificate at a later date.

(The public protection licensing advisor and the public protection team leader left the meeting at this point.)

The subcommittee considered the request for leniency from the applicant and noted that the notification of non-attendance at committee was emailed the morning of committee and the applicant had not attempted to arrange an alternative time to attend committee. The subcommittee considered that they could not determine if the applicant was a fit and proper person, the applicant had not attended the meeting and had failed to provide the medical certificate necessary to consider his application.

RESOLVED, unanimously, to refuse the renewal of hackney carriage drivers licence to the applicant (application reference 18/01543/HACKD) as the committee considered that the applicant had not provided the necessary information to demonstrate that he satisfied the test of being a fit and proper person to hold such a licence under s51 LG(MP)Act 1976.

(The public protection licensing advisor and the public protection team leader were readmitted to the meeting. The chair informed officers of the subcommittee's decision. The legal adviser asked the licensing department to write to the applicant to advise of the subcommittee's decision and of his right to appeal to the Magistrates' court within 21 days of receipt of the written notification. If the applicant chose not to appeal, he could apply again for a licence in the future).

CHAIR



Regulatory Subcommittee

14:15 to 15:40

8 June 2020

Present: Councillors Stutely (chair), Ackroyd, Brociek-Coulton, Giles and Grahame

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 4* and 5* 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 Grant of Private Hire Drivers' Licence – Application ref 20/00594/PHDRIV

(The applicant and the public protection (licensing) team leader (the licensing officer) were admitted to the meeting. The chair introduced the members of the members of the panel and officers present. The applicant produced his DVLA licence for inspection by the committee. The licensing officer confirmed the number of the licence. The applicant confirmed that he had received a copy of the report and appendices, including a supplementary document containing a typed transcript of handwritten text on the application form. The applicant confirmed that he had been advised that he could have legal representation at the meeting but considered that it was not necessary and that he had no pending matters.)

The licensing officer presented the report. She confirmed that the application was for driving a private hire vehicle only.

The applicant explained the circumstances for the four speeding offences which had led to 12 points being placed on his driving licence and answered members' questions. The applicant could recall the offences which took place on 21 and 25 April 2019 which had occurred when he was working in Poringland, on a road that he was familiar with. When asked to explain why these incidents of speeding were likely to have occurred the applicant explained at the time he was probably too "relaxed". The applicant called up his record on the DVLA website to prompt his memory of the

other two offences which had taken place on 4 December 2018 and 27 January 2019 in Southend. The applicant said in mitigation that he had driven for 20 years and had a good driving record with no accidents. He confirmed that he had no passengers in his car when the offences occurred. All matters related to areas of road with a 30mph limit. He had only slightly exceeded the speed limit except in one case where he had driven between 35 and 38 mph.

The applicant explained his personal circumstances and that he had undertaken training to qualify as a private hire driver to provide for his family. His previous employment had come to an end. He also said that the DVLA speed awareness course had helped him to improve his driving and that he did not have the option to take the course to reduce his points. In reply to whether he was a “fit and proper person”, he explained that his circumstances had changed in the last year when he married and that the safety awareness training and training for his private hire licence made him realise his responsibilities for the safety of his passengers who would be entrusting their lives to him.

(The applicant and licencing officer left the meeting at this point.)

Following discussion, it was:

RESOLVED, with one member dissenting, to grant the application for the grant of a private hire driver’s licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976 for a period of one year, and to delegate to the licensing officers, subject to a satisfactory review at the end of this period, the grant of the licence for a further two years.

(The applicant and licencing officer were readmitted to the meeting.)

The chair informed the applicant of the subcommittee’s decision and that it was not unanimous. It was unusual to consider an application with 12 points on their licence, and the members had taken into account the applicant’s circumstances. He reiterated that the applicant should be familiar with the “Green Book” and that he would be obliged to inform the licensing team of any offences that he incurred within seven days.

(The licensing officer then made arrangements with the applicant to provide him with his badge and licence. The applicant then left the meeting at this point.)

4* **Application for Renewal of a Private Hire Driver’s Licence: Case number 18/01541/PHDRIV**

(The licence holder was admitted to the meeting.)

The chair introduced the members of the subcommittee and officers present. The applicant presented his DVLA licence and confirmed the licence number to the licensing officer. In reply to a question, the applicant said that his legal representative was on furlough and not available to represent him at this meeting. He also said that he had not received a copy of the appendices to the report. The applicant confirmed that he had no matters pending other than that connected to the road traffic accident referred to in Appendix B and that the police had notified him on 1 April 2020 that this

would be referred to court. In response to members' questions the applicant said that he did not know if he had been charged with an offence.

RESOLVED, to defer any further consideration of this application for renewal of a private hire driver's licence to a future meeting of the subcommittee, pending further information and to ensure that the applicant has the opportunity to arrange legal representation and has access to a copy of the relevant report and papers for the meeting.

CHAIR



Regulatory Subcommittee

10:00 to 11:05

14 September 2020

Present: Councillors Stutely (chair), Brociek-Coulton, Giles, McCartney-Gray and Youssef

1. Declarations of Interest

There were no declarations of interest.

2. Highways Act 1980: application for licence to place tables and chairs on the highway – Louis Marchesi, 17 Tombland, Norwich, NR3 1AB

The chair welcomed the applicant and introduced the members of the committee and officers. The licensing team leader presented the report. The chair asked the legal advisor to the committee to explain a legal point with the application. The legal advisor explained that if the applicant wanted to place tables and chairs on the highway adjacent to the frontage of the Samson and Hercules then permission would have to be given by the residents of the building. A letter of objection had been received from the managing agent of the building on behalf of some of the residents making it clear that they had not given their permission, therefore the council could not authorise a licence under s115E Highways Act 1980 adjacent to the frontage of Samson and Hercules. The applicant confirmed that she wished to amend her application and the area she now sought to licence did not include the frontage of the Samson and Hercules building.

In response to a member question the applicant said that the following measures were in operation in response to Covid. There was sign on the doorway greeting customers and requesting they sign in for the track and trace system. The number of tables within the pub had been reduced to comply with social distancing. Customers were only able to approach the bar to order and to pay; at all other times they were to remain seated. The business had considered the use of a one way system but there no other suitable exit points which could be monitored and as such were using one access both as the entrance and exit.

Members discussed the amended area to be licensed with the applicant, it was noted the number of tables and chairs which might be granted might not be possible to be placed outside currently due to restrictions caused by social distancing. The applicant then confirmed that she was amending the application further and now sought a licence only for the area of highway adjacent to that part of the frontage of the Louis Marchesi, 17 Tombland from the doorway of the establishment to the

boundary with the Samson and Hercules. To contain a maximum of one bin, three planters, four tables and eight chairs within it barriers at a width of 1.5m.

Members discussed if this left enough room for a wheelchair to safely pass and the licensing team leader confirmed that it met the minimum requirements. Members noted that there was no response ad been received from Norfolk County Council the Highways authority and questioned if this meant they had consented to the application.

(Members of the subcommittee resolved to exclude the public from the meeting during their deliberation and consideration of the matters raised in relation to this application and to seek advice from the subcommittee's legal advisor. The applicant, licensing team leader, and members of the public left the meeting at this point.)

RESOLVED, unanimously, to approve the grant of a licence to place tables and chairs on the highway under s115E of the Highways Act 1980, in respect of The Louis Marchesi, 17 Tombland, NR3 1AB having considered all matters raised by the applicant, statutory consultees and members of the public, subject to the standard conditions for tables and chairs licences, amended as follows:

The area licensed by committee is the area of public highway with a width of 1.5 metres and a length between the doorway of the Louis Marchesi, 17 Tombland, and the boundary between no 17 Tombland and the Samson and Hercules. The licensed area to include permission for barriers and a maximum of one bin, three planters, four tables and eight chairs.

There was an additional condition imposed, namely that "This licence will end immediately upon notice being received by the Norwich City Council that the Highways Authority do not consent to this licence".

(The applicant, licensing team leader, applicant and members of the public were readmitted to the meeting. The chair advised the applicant of the subcommittee's decision.)

CHAIR



Regulatory Subcommittee

13:40 to 15:50

14 September 2020

Present: Councillors Stutely (chair), Brociek-Coulton, Giles, McCartney-Gray and Youssef

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* 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*. Suspension/ revocation of Norwich City Council hackney carriage drivers' licence No19 01107 HACKD (paras 1 and 3)

(The licence holder and the public protection (licensing) advisor were admitted to the meeting. The chair introduced the members of the panel and officers present. The licence holder confirmed that he had received a copy of the report and whilst he did not have the details in front of him he was aware of the report contents. The licence holder confirmed that he had been advised that he could have legal representation at the meeting but considered that it was not necessary. The licensing advisor confirmed that a copy of the licence holder's driving licence was held on file and that a recent check on his convictions showed no pending matters outstanding).

The licensing advisor presented the report.

The licence holder explained the circumstances for the three speeding offences which had led to 9 points being placed on his driving licence and answered members' questions. The licence holder advised that he was going to challenge the SP50 which was recorded in July 2019 but as the incident occurred in Liverpool he would have been required to return there and he decided to accept the points instead. He had been driving on a dual carriageway where he thought the speed limit was 70mph but it had reduced to 50mph and he was caught by a camera. He thought his speed was 57mph but was not sure exactly. He said in mitigation it was a quiet road, he had been travelling alone in the car and had considered the speed

limit to be 70mph. The licence holder said that he did not drive “crazy fast” but that he drove all the time and that these things happen.

The other incident in March 2018, the SP30 related to his travelling at 34mph in a 30mph area on Salhouse Road, the licence holder said his speed had crept up on him, he was returning from his mother’s house and was aware there was a camera on the road. The final SP30 recorded in April 2018 related to a journey where he was returning to Norfolk from Scotland and was captured going above the speed limit near Kings Lynn. He had been travelling at 67mph in a 60mph area. The licence holder said in mitigation that when driving so many thousands of miles there was a greater likelihood of speeding incidents occurring.

In response to a question from the chair the licence holder advised that he had not informed the council’s licensing department that he had failed to dispute the SP50 he acquired in Liverpool. He advised this was an oversight on his part. He had suffered a mini stroke eight years ago and said he did not have a great memory. The licence holder asked that if the committee were considering suspending his licence, they take account of the fact that due to Covid 19 he had been involuntarily suspended from driving for 5 months. During this period, he had no income and had not made a claim to the government’s furlough scheme. He had returned to his first school contract that morning.

(The applicant and licencing advisor left the meeting at this point.)

Following discussion, it was:

RESOLVED, unanimously, to suspend hackney carriage drivers’ licence no 19 01107 HACKD for a period of 14 days; subsequently to grant the licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976 for a period of six months and to request that licensing officers check the licence holder’s record for any further breaches of licence conditions. If there are no breaches officers are to grant the remainder of the licence at no further cost to the applicant.

(The licence holder and licencing officer were readmitted to the meeting.)

The chair informed the applicant of the subcommittee’s decision together with the reasons for the decision. He said members had taken into account the applicant’s circumstances and reiterated that the applicant should be familiar with the “Green Book” and that he was obliged to inform the licensing team of any offences that he incurred within seven days. The applicant was unhappy with the committee’s decision and advised he would be appealing it.

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

4* Application for Renewal of a Private Hire Driver’s Licence: Case number 19 00180 PHDRIV (paras 1 and 3)

(The applicant, his legal representative and the public protection (licensing) advisor were admitted to the meeting. The chair introduced the members of the panel and officers present. The applicant had forgotten his DVLA licence but the licensing advisor confirmed that this had been seen by the council and a copy was held on file.

The applicant confirmed that he had received a copy of the report and that he was accompanied at the meeting by his legal representative and confirmed that he had no pending matters.)

The licensing advisor presented the report.

The applicant's legal advisor asked if the character references submitted on behalf of the applicant had been received by committee. The chair confirmed that they had been received and considered by the committee. The applicant's legal representative explained the circumstances in relation to his client's conviction for the offence of 'Using Threatening, Abusive, Insulting Words or Behaviour with Intent To Cause Fear or Provocation of Violence'. The applicant's legal advisor said that whilst the applicant had been found guilty at the magistrate's court of this offence he had not been found guilty in relation to every allegation made in respect of the incident.

The applicant explained the circumstances surrounding the conviction. It had been raining and the job had been passed between operators. The applicant was not made aware that the passenger was accompanied by a dog when the job was transferred to him. The applicant's legal advisor said the applicant's intention was to get out of the car, place a blanket on the back seat and to carry the dog. The advisor noted that the magistrates court considered that the applicant had believed the customer spat on his dashboard. The magistrates had found that the applicant had followed the customer aggressively and believed his behaviour presented as threatening. However, the magistrates considered the applicant had not intended to appear aggressive but was nevertheless reckless as to the consequences of his actions. The applicant had been found guilty and sentenced to a fine of £350 which represented one weeks net salary and as a Band B was in the lowest category of penalty which could be imposed with the guidelines.

The applicant's legal advisor noted that the offence which took place in May 2019 was set within the broader context of the applicant's recent life experiences. The applicant's legal advisor referred to the character references which had been presented on behalf of the applicant. He said the applicant was aware that he had let himself down and that his fitness to operate as a taxi driver was in question. He said this was an isolated incident, a one off which had been borne out of an aggressive exchange where the applicant was adamant the customer had spat on his dashboard. The applicant had worked as a driver without any other incident for seven years.

Members expressed their sorrow at the difficult year the applicant had experienced. In response to a member question, the applicant confirmed that he was aware of the Equality Act 2010 and the legal requirement upon taxi drivers to carry guide dogs. He said it was not his intention to refuse to carry the dog but he wanted to place a rug on his back seat before the dog got in. The chair asked the applicant to take the panel through the exchange. The applicant said as the customer opened the door he had said "woah, woah" and that he needed to put a rug on the back seat. The customer started swearing at him, the applicant switched on his radio in order that the controller could hear the exchange and the customer approached the driver's door shouted in at him and then spat on his dashboard.

(The applicant, his legal representative and the licencing advisor left the meeting at this point.)

Committee considered that on the day of the incident the applicant's behaviour was not the fit and proper behaviour expected of taxi drivers. However, committee considered this behaviour was out of character and accepted that the applicant had not refused to carry the dog. Committee considered the applicant's driving history before and after the incident had taken place and the character references which had been provided.

Following discussion, it was:

RESOLVED, unanimously to renew Private Hire Driver's Licence:19 00180 PHDRIV in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976.

(The applicant, his legal representative and the licencing officer were readmitted to the meeting.)

The chair informed the applicant of the subcommittee's decision. He said members had taken into account the applicant's circumstances.

CHAIR



Regulatory Subcommittee

10:00 to 11:30 and 14:00 to 16:45

12 October 2020

Present: Councillors Stutely (chair), Giles, McCartney-Gray (substitute for Councillor Huntley), Maxwell and Grahame (from item 6* below - afternoon session only)

Apologies: Councillor Huntley and Councillor Grahame (morning session)

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*. Application for Renewal of a Private Hire Driver's Licence
19/01101/PHDRIV (Paragraphs 1 and 3)**

(The public protection (licensing) team leader (the licensing officer) was admitted to the meeting. The applicant did not attend.)

The licensing officer presented the report. The applicant had applied for renewal of a private hire driver's licence on 15 May 2019 but had failed to provide a disclosure certificate from the DBS (criminal record check) or a medical certificate completed by his GP to support the application. The council's licensing team had written to the applicant on 10 December 2019 and emailed the applicant on 30 January 2020 to request the required documentation. The applicant had been invited to this subcommittee meeting and sent a copy of the report and advised of his right to be legally represented at the meeting. The licencing officer confirmed that the applicant had also been emailed a copy of the agenda and relevant report and the joining details for the Zoom meeting. There had been no response from the applicant or any further contact from him since the submission of the application for renewal in May 2019. No emails or letters had been returned to the council as undelivered.

(The licensing officer left the meeting at this point.)

Following discussion it was:

RESOLVED, unanimously, to refuse to renew Private Hire Driver's Licence 19/01101/PHDRIV for any other reasonable cause, in that the applicant has 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 S51 of the Local Government (Miscellaneous Provisions) Act, 1976.

(The licensing officer was admitted to the meeting and informed of the subcommittee's decision. The applicant would receive notification of the subcommittee's decision and had the right to appeal within 21 days of receipt of that letter.)

(The subcommittee adjourned at 10:15 and reconvened at 11:00 with Councillors Stutely, Giles, McCartney-Gray and Maxwell present.)

**4*. Application for Renewal of a Private Hire Driver's Licence
19/00955/PHDRIV (Paragraphs 1 and 3)**

(The public protection (licensing) team leader (the licensing officer) was admitted to the meeting. The applicant did not attend.)

The licensing officer presented the report. The applicant had applied for renewal of a private hire driver's licence on 2 May 2019 but had failed to provide a disclosure certificate from the DBS (criminal record check), a copy of his DVLA licence and a completed mandate form to check his DVLA record, to support the application. The council's licensing team had written to the applicant on 15 May 2019 and 13 June 2019 and emailed the applicant on 30 January 2020 to request the required documentation. The applicant had been invited to this subcommittee meeting and sent a copy of the report and advised of his right to be legally represented at the meeting. The licensing officer confirmed that the applicant had also been emailed a copy of the agenda and relevant report and the joining details for the Zoom meeting. There had been no response from the applicant or any further contact from him since the submission of the application for renewal in May 2019. No emails or letters had been returned to the council as undelivered.

(The licensing officer left the meeting at this point.)

Following discussion it was:

RESOLVED, unanimously, to refuse to renew Private Hire Driver's Licence 19/00955/PHDRIV for any other reasonable cause, in that the applicant has 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 S51 of the Local Government (Miscellaneous Provisions) Act, 1976.

(The licensing officer was admitted to the meeting and informed of the subcommittee's decision. The applicant would receive notification of the subcommittee's decision and had the right to appeal within 21 days of receipt of that letter.)

**5*. Application for Renewal of a Private Hire Driver's Licence
19/01402/PHDRIV (Paragraphs 1 and 3)**

The public protection (licensing) team leader (the licensing officer) said that since the publication of the report, the applicant had provided the disclosure certificate from the DBS (criminal records check) and medical certificate completed by his GP. She confirmed that the information was satisfactory and that the renewal of the private hire driver's licence could be granted.

In reply to a member's question, the licensing officer confirmed that the renewal of the licence would be backdated to the date that the previous licence had expired.

RESOLVED to withdraw this application (19/01402/PHDRIV) from consideration at this subcommittee meeting because the applicant has now provided the necessary information to satisfy the licensing officer that the applicant is a fit and proper person to hold such a licence under S51 of the Local Government (Miscellaneous Provisions) Act, 1976.

(The subcommittee adjourned at 11:30 and reconvened at 14:00 with the following members present: Councillors Stutely, Giles, McCartney-Gray, Maxwell and Grahame.)

6*. Consideration of Suspension or Revocation¹ of Private Hire Driver's Licence 20/00573/PHDRIV (Paragraphs 1 and 3)

(The public protection (licensing) team leader (licensing officer) and the licence holder were admitted to the meeting.)

The chair welcomed the licence holder to the meeting. General introductions to the members of the subcommittee and the officers in attendance ensued.

The licence holder provided his DVLA licence for checking by the licensing officer and confirmed that he was aware of his right to be accompanied by a legal representative but had chosen not to be represented.

The licensing officer presented the report. She explained that the title of the report and the recommendation should be amended to "suspension or revocation of the licence holder's private hire driver's licence" and not "renewal" as stated in the report. During the presentation of the report, the licensing officer said the date that the licence holder had received the caution was 12 August 2020 (not 20 July 2020 as stated in the report) and he had notified the licensing department of this on 13 August 2020 (therefore complying with condition 12 of the Norwich City Council Private Hire Driver's Licence requirements).

The licence holder confirmed that he had received a copy of the report. He explained the circumstances that had led to him receiving a simple caution for assault by beating and answered members' questions. His relationship with his partner had subsequently broken down and he was now living with his parents. He had admitted the offence. He had not yet advised his employers of this incident and

¹ Title of committee report and recommendation amended at meeting.

had been working as a private hire driver since he had received the caution. He confirmed that he had no other matters pending.

The licence holder explained the circumstances that led to him receiving the caution. He said he had “lost his cool”. He had entered the bedroom after his partner had earlier retired to bed and he had physically restrained her by holding her wrists during a verbal argument. Later his partner had come towards him “with fists flailing”, and in self-defence he had hit her on the side of the head and believed he injured her. This second incident took place in the living room. Alcohol was involved but the licence holder said this was not to excess, giving a value of 3 on a scale of 1 to 10 where 10 would be very intoxicated. The licence holder was asked about injuries to himself, he said that whilst he was hit the punches were very light and he was not injured. His partner had not reported this incident to the police at the time.

(The licence holder and the licensing officer left the meeting.)

RESOLVED, with 4 members voting in favour, and 1 member abstaining from voting, to revoke the Private Hire Driver’s Licence 20/00573/PHDRIV, under any other reasonable cause, for the following reasons:

Members noted the primary objective of the taxi licensing legislation was to protect the safety of the public. The council’s Taxi and PHV Licensing Criminal Convictions’ Policy, especially paragraphs 8 and 16, was considered together with the contents of the report and the evidence of the licence holder.

Members are not satisfied that the licence holder is a fit and proper person to hold a licence as the offence against his partner was premeditated, he had lost his temper and acted violently towards her by holding her down and by hitting her, which was unacceptable behaviour for a taxi driver. It was necessary for a taxi driver to deal calmly at all times with members of the public, some of whom may be difficult or challenging, and members noting the circumstances of the caution did not believe that the licence holder was suitable for this role.

(The licence holder and the licensing officer were readmitted to the meeting and informed of the subcommittee’s decision. The licence holder would receive written notification of the decision and would have 21 days from the receipt of the letter to appeal.)

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

(The subcommittee adjourned for a short break and reconvened with all members previously listed present at 15:08.)

**7*. Application for Renewal of a Private Hire Driver’s Licence
20/00835/PHDRIV (Paragraphs 1 and 3)**

(Please see item 7* (continued) below for the full minute of this item.)

(The public protection (licensing) team leader (licencing officer) and the applicant were admitted to the meeting.)

The chair welcomed the applicant to the meeting. General introductions to the members of the subcommittee and the officers in attendance ensued.

The licensing officer presented the report.

The applicant confirmed that he was aware of his right to be legally represented but had chosen not to be. He also produced his DVLA licence for the licensing officer to check.

The applicant explained the circumstances leading to the receipt of 6 penalty points and failing to inform the licensing team within 7 days of the conviction.

(As the applicant had a poor internet signal, it was agreed to adjourn further consideration of this item to allow the applicant to return home to continue his account without losing internet connection. The committee would proceed to the next agenda item and then return to this item. The applicant and the licensing officer then left the meeting.)

**8*. Application for Renewal of a Private Hire Vehicle Licence
19/01782/PHVEH (Paragraphs 1 and 3)**

(The public protection (licensing) team leader (licensing officer) and the applicant were admitted to the meeting. During this item the applicant was joined by a colleague who assisted him in answering members' questions.)

The chair welcomed the applicant to the meeting. General introductions to the members of the subcommittee and the officers in attendance ensued.

The applicant confirmed that he was aware of his right to be legally represented but had chosen not to be. He produced his DVLA licence for checking by the licensing officer.

The licensing officer presented the report. The application to renew the vehicle licence had not been made in time and the applicant had requested that an exception to the council's policy be made so that a private hire vehicle licence was granted for this vehicle.

The applicant, together with his colleague, explained that the vehicle licence had not been renewed due to an administrative error. The licence had been renewed annually to this point. The vehicle had not been used for hire during the lockdown but, due to the requirements of the Covid-19 pandemic, it was required for use as larger vehicles were needed for customer safety. The vehicle was mechanically sound albeit over 5 years' old. (The licensing officer referred members to page 65 to the mechanical test sheet on page 65 of the agenda papers.)

(The applicant and the licensing officer left the meeting.)

RESOLVED, unanimously, to grant a private hire vehicle licence in respect of this application (19/01782/PHVEH), as an exception to the Norwich City Council policy not to grant private hire vehicle licences for vehicles over 5 years' old on initial licensing, for the following reasons: the vehicle licence had not been renewed before

the licence expired due to an administrative error; and, that the vehicle was in a sound mechanical condition.

(The applicant and the licensing officer were readmitted to the meeting and informed of the subcommittee's decision. The applicant and the licensing officer then left the meeting.)

(The subcommittee then returned to consideration of the previous agenda item.

7*. (Continued) Application for Renewal of a Private Hire Driver's Licence 20/00835/PHDRIV (Paragraphs 1 and 3)

(Councillor McCartney-Gray left the meeting during this item.)

(Prior to adjournment –

(The public protection (licensing) team leader (licencing officer) and the applicant were admitted to the meeting.)

The chair welcomed the applicant to the meeting. General introductions to the members of the subcommittee and the officers in attendance ensued.

The licensing officer presented the report.

The applicant confirmed that he was aware of his right to be legally represented but had chosen not to be. He also produced his DVLA licence for the licensing officer to check.

The applicant explained the circumstances leading to the receipt of 6 penalty points in October 2019 and his failure to inform the licensing team within 7 days of the conviction.)

(As the applicant had a poor internet signal, it was agreed to adjourn further consideration of this item to allow the applicant to return home to continue his account without losing internet connection.))

(The applicant and the licensing officer were readmitted to the meeting.)

The applicant explained the circumstances surrounding his offence of driving at 48 mph near the Kett's Hill roundabout, on Barrack Street in October 2019. He was driving a new electric car and it was 10 pm at night. He had not advised the licensing department of the offence in the first instance because he was not aware of how many points would be on his licence. There had been a problem with post reaching him from the DVLA because he had changed address. He had appealed the award of 6 points through the magistrates' court because of the impact that it would have on his job and that he considered it should be 4 points. He was very sorry that this had happened, it had been a mistake and he had a young family to support. When he had renewed his driver's licence he was still unaware of the number of points that had been awarded and had left that part of the form blank. He had been in to City Hall to meet licensing officers to help fill in the forms but this had been difficult due to Covid-19. He explained that the outcome of the appeal had

been in late June or July, where he had paid fines, and that he had received notification of the points on 4 August.

The licensing officer said that the applicant had not advised the council of the points on his licence. There had been delays this year in obtaining medical certification and the last check that the office did was to check that the DVLA licence information was up to date. In this case the DVLA check had been conducted on 19 August 2020 and it was then that the points on the applicant's driving licence had come to light.

The applicant said that he had sent an email to the licensing department regarding the points.

(The meeting adjourned for 10 minutes to allow the applicant to find the email and send it to the licensing officer for verification. The subcommittee reconvened with the exception of Councillor McCartney-Gray, who had left the meeting at this point.)

The licensing officer reported that the email sent on 19 August from the applicant was in relation to the DVLA check regarding the code required to release information on the applicant's DVLA licence. It did not satisfy condition 12 of the council's Private Hire Driver's licence. The applicant had known the number of points awarded from the magistrate's court on 4 August 2020 and had not informed the licensing department within 7 days as required.

In mitigation the applicant said that he had been in Poland from 10 August to 5 September 2020. He had completed the application form for the renewal of his private hire driver's licence in stages and liaised with the licensing assistant throughout but it had been a difficult situation this year because of Covid-19 and access to City Hall.

(The applicant and the licensing officer left the meeting.)

RESOLVED, unanimously, to:

- (1) grant a private hire driver's licence (20/00835/PHDRIV), initially for a period of 12 months and to delegate the renewal for a further two years to the public protection (licensing) team leader;
- (2) suspend the private hire driver's licence for 1 week;
- (3) advise the applicant that he should familiarise himself with the "Green Book" in relation to his conduct and reporting convictions to the licensing authority.

(The applicant and the licensing officer were readmitted to the meeting and informed of the subcommittee's decision. The licence holder would receive written notification of the decision and would have 21 days from the receipt of the letter to appeal.)

CHAIR



Regulatory Subcommittee

14:00 to 15:40

8 January 2021

Present: Councillors Stutely (chair), Maxwell, McCartney-Gray, Peek
(substitute for Councillor Oliver) and Youssef

Apologies: Councillor Oliver

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* 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 Renewal of a Private Hire Drivers' licence case number 20/00729/PHDRIV

(The applicant and the public protection (licensing) advisor (the licensing officer) were admitted to the meeting. The chair introduced the members of the members of the panel and officers present. The applicant produced his DVLA licence for inspection by the committee. The licensing officer confirmed the number of the licence. The applicant confirmed that he had received a copy of the report and appendices. The applicant confirmed that he had been advised that he could have legal representation at the meeting but considered that it was not necessary.)

The licensing officer presented the report.

The applicant explained the circumstances that had led to the offence of driving a vehicle without third party insurance and the receipt of 6 penalty points and a £300 fine, and answered questions from members of the subcommittee and the legal advisor.

The offence had occurred on 4 April 2018 when the applicant was on his way to Stansted Airport for a family holiday. He had decided not to take his private hire vehicle because of leaving it at the airport for the duration of the holiday. He had therefore decided to take his personal car but it had no insurance and he thought that he could drive it on his friend's insurance. His friend did not speak English very

well but had asked his insurance company for temporary cover so that the applicant could drive to the airport and the friend drive it back. The police stopped the car on the A11 on the way to Stansted, and the applicant was unable to get an internet signal and as only the friend's signature was on the documentation, the friend was permitted to drive them to the airport. On investigation and contrary to the applicant's understanding the friend was the only person insured to drive the vehicle, being the main driver. The applicant received the points on his licence and the fine. The applicant had contacted the insurance company during his holiday in Denmark but because the offence had occurred at 4:00 (a.m.) on 4 April 2018 and the time on the insurance was 12:00, it was too late. He had tried to clear the points from the licence and it was a single offence for which he was sorry. It had not been intentional and had he known that he was not covered by insurance the friend would have driven to the airport.

In reply to a member's question, the applicant said that he had not informed the licensing authority of the offence within seven days because he was on holiday and then trying to clear the points off the licence, but had telephoned the council and was advised to send everything through in writing, so he had sent an email later.

The applicant then re-sent the email, originally sent to the licencing office on 22 June 2018, to the licensing officer, who confirmed that the office had received it on that date, and that it contained details of the points on the licence from 4 April 2018. She apologised because the email had been misfiled.

(The applicant confirmed that he had no further convictions or matters pending, and that this was the first time he had renewed his licence.)

In reply to further questions from the legal advisor and the chair, the applicant confirmed that his friend was covered by the insurance policy to drive the applicant's car. The friend would use the car to take the family to the airport and then return to pick them up at the end of their holiday. The applicant had thought from the conversation with the insurance company on the phone that he had been covered by temporary insurance to drive the car and did not check the policy.

Following discussion, it was:

RESOLVED, unanimously, to grant the application for the renewal of a private hire driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976 for a period of one year, and to delegate to the licensing officers, subject to a satisfactory review at the end of this period and DVLA check, the grant of the licence for a further two years. The subcommittee required a written warning as to future conduct to be given to the applicant because of the seriousness of the offence.

In coming to their decision members considered that driving without insurance was a serious offence but, taking into account all elements of the case, that the applicant remained a fit and proper person to be a taxi driver. The subcommittee took into account that the applicant was not driving in his professional capacity at the time of the offence. It was a single incident, resulting from an error of judgement, which was not likely to be repeated. The applicant had informed the licensing authority of the offence, albeit outside the 7 days stipulated as a condition of the licence.

(The applicant and licencing officer were readmitted to the meeting.)

The chair informed the applicant of the subcommittee's decision and that it was unanimous. The applicant would receive a letter containing the subcommittee's decision and a written warning.

CHAIR