



**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 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 19/01101/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 Revocation<sup>1</sup> 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

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<sup>1</sup> 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 (licensing 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