



Licensing committee

Date: **Thursday, 03 March 2022**
Time: **16:30**
Venue: **Council chamber, City Hall, St Peters Street, Norwich, NR2 1NH**

Supplementary agenda

Committee members:

Councillors:

Stutely (chair)
Ackroyd
Brociek-Coulton
Button
Fulton-McAlister (E)
Giles
Huntley
Maxwell
Price
Sands (S)
Schmierer
Thomas (Vi)
Youssef

For further information please contact:

Committee officer: Leonie
Burwitz
t: (01603) 989255
e: leonieburwitz@norwich.gov.uk

Democratic services
City Hall
Norwich
NR2 1NH

www.norwich.gov.uk

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Agenda

1 Regulatory subcommittee minutes 3 - 18

Purpose - To receive the minutes of the regulatory subcommittee meetings held on 9 November 2020, 12 April 2021, 14 June 2021, 9 August 2021, 13 September 2021 and 11 October 2021.

Exempt items:

(During consideration of these items the meeting is not likely to be open to the press and the public.)

To consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part 1 of Schedule 12 A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, members are asked to decide whether, in all circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

Date of publication: **Tuesday, 01 March 2022**



Regulatory Subcommittee

14:00 to 15:25

9 November 2020

Present: Councillors Stutely (chair), McCartney-Gray, Oliver and Price

Apologies: Councillor 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* to 7* 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 hackney carriage driver's licence
19/01111/HACKD (Paragraphs 1 and 3)**

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

(Councillor Oliver was not present for the full item and did not vote on this item)

The licensing advisor said the applicant had contacted the council to advise that he was sending his apologies as he was unable to attend the meeting due to a prior engagement. He understood he was required to provide a medical certificate to progress his application and stated he would contact his doctor's surgery to address the matter.

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

Following discussion it was:

RESOLVED, unanimously, to delegate authority to licensing officers to process the application to renew hackney carriage driver's licence 19/01111/HACKD if all relevant paperwork was received. If the relevant paperwork from the applicant was not received, to defer hearing the application to the next meeting of regulatory subcommittee.

(The licensing advisor 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.)

4*. Application for renewal of a private hire driver's licence 19 00239 PHDRIV (Paragraphs 1 and 3)

(Councillor Oliver returned to the meeting)

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

The licensing advisor presented the report. The applicant had applied to renew his private hire driver's licence on 22 June 2019 but no disclosure barring service certificate (DBS) or medical certificate has been received in support of the application.

The chair welcomed the applicant to committee. The applicant confirmed that he was aware of his right to be legally represented but had chosen not to be. The licensing advisor advised that she had checked his DVLA licence prior to the meeting commencing.

The applicant advised that he had a valid and current DBS certificate but had been unable to attend City Hall due to Covid-19 to provide this to the licensing department. He stated that in January 2019 he submitted all the relevant documents required to process his application to the licensing department in person.

In response to the chair's question the licensing advisor said she could not state categorically if the department had received the applicant's medical certificate and DBS or not. The system recorded that the applicant had submitted his application and payment but not his medical certificate.

In response to Councillor Price's question the applicant said that he had emailed the department regarding the matter the week beginning 14 September 2020 to try to resolve the matter and had not received a response.

The licensing advisor clarified what paperwork was outstanding on the application, a certificate confirming the applicant was medically fit to drive and a new up to date DBS certificate would be required to process the renewal.

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

Following discussion it was:

RESOLVED, unanimously, to:

- 1) delegate processing of the application to licensing officers if all relevant paperwork received;

- 2) ask licensing officers after sight of a relevant DBS to provide the applicant with the cost of or to deduct the relevant cost of his medical certificate up to a value of £120; and
- 3) defer hearing of the application to the January 2021 meeting of regulatory subcommittee if the relevant paperwork is not received.

(The public protection licensing advisor were readmitted 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
19/01324/PHDRIV (Paragraphs 1 and 3)**

(The chair took this item next).

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

The licensing advisor said the applicant had contacted the council by email to advise that he had not realised that his licence was still running and that he had stopped working as a driver over a year ago and had no intention currently of renewing his licence.

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

Following discussion it was:

RESOLVED, unanimously, to refuse to renew private hire driver's licence 19/01324/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.

**6*. Application for the renewal of a private hire driver's licence
19/00119/PHDRIV (Paragraphs 1 and 3)**

(The chair took this item next).

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

The licensing advisor said the applicant had contacted the council to advise that he had not received initial communications from the council as he had moved house. The applicant had now provided all relevant documentation in order to process his application. The licensing advisor confirmed that she had checked all relevant paperwork and it was all in order.

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

Following discussion it was:

RESOLVED, unanimously to renew Private Hire Driver's Licence:19/00119/PHDRIV in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976.

**7*. Application for renewal of a private hire driver's licence
18/02074/PHDRIV (Paragraphs 1 and 3)**

(The chair took this item next).

(The licensing advisor was admitted to the meeting. The applicant did not attend.)

The applicant had not responded to any communications from the licensing department. No relevant disclosure barring service certificate (DBS) had been received from the applicant.

(The licensing advisor left the meeting.)

RESOLVED, unanimously, to refuse to renew private hire driver's licence 18/02074/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 advisor was readmitted to the meeting and informed of the subcommittee's decision.)

CHAIR



Regulatory Subcommittee

14:00 to 14:45

12 April 2021

Present: Councillors Stutely (Chair), Giles, Huntley, and Price,

Apologies: Councillor 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* 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 PRIVATE HIRE DRIVERS LICENCE NO 20/01752/PHDRIV

(The licence holder and the Public Protection Licensing Advisor (the Licensing Officer) were admitted to the meeting.)

The Chair introduced the members of the panel and officers present. The licence holder read out the number of his DVLA licence. The Licensing Officer confirmed the number was correct. The licence holder confirmed that he had received a copy of the report and appendices. 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 Officer presented the report.

The licence holder explained the circumstances that had led to two offences of exceeding the statutory speed limit on 6 January 2021 and 24 January 2021. He confirmed that there were no other pending offences.

In reply to a question from the Chair, the licence holder said that he was not aware of the requirement to inform the licensing office within 7 days of any road traffic offences.

The licence holder then answered a number of members' questions. The licence holder confirmed that he had not been carrying passengers at the time of these offences. He assured members that, in normal circumstances, he would always follow the requirements of the Road Traffic Act.

(The licence holder and Licensing Officer withdrew from the meeting at this point to allow members to consider the matter)

Following discussion, it was:

RESOLVED, unanimously, to

- (1) not revoke or suspend the licence in this case;
- (2) inform the licence holder that the committee would normally consider a revocation in a case when 6 or more penalty points had been received;
- (3) remind the licence holder of the importance of reading the green book containing the obligations of holding a private hire drivers' licence
- (4) issue a warning letter on this occasion reminding the licence holder of the obligation to inform the authority of any road traffic offences within 7 days' of occurrence and ask the Licensing Officer to review the conduct of the licence holder in 12 months' time.

In coming to their decision members considered the explanations given by the licence holder for the offences. The members also had regard for the Council's Taxi and PHV Licensing Criminal Convictions' Policy and considered that the licence holder's explanations for the offences, together with the fact that he was not carrying passengers at the time of any of the offences, did not raise sufficient concern with regard to public safety to justify suspension or revocation of the licence.

(The licence holder and Licensing Officer were readmitted to the meeting.)

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

CHAIR



Regulatory Subcommittee

14:00 to 17.00

14 June 2021

Present: Councillors Stutely (Chair), Fulton-McAlister (E), Huntley and Schmierer

Apologies: Councillor Brociek-Coulton

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 3-4* 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 RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE – CASE NUMBER 2000287 HACKV

(The licence holder and the Public Protection Licensing Advisor (the Licensing Officer) 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 appendices. 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. He said that he was not a private hire licence holder but a Hackney carriage operator and the current legislation in the report should be Section 60 of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Officer presented the report.

The applicant then answered a number of questions from members. He explained the structure and work of his company and that the covid pandemic had a devastating effect on his business. He answered questions concerning the annual mileage, MOT tests and emissions for each of his vehicles. He also explained why he had not applied for renewal of his licence within the required timescale.

In response to a question from the committee's legal advisor, the applicant said that a grant of a full term licence would be preferable as his vehicles were of the new style with low emissions.

(The licence holder and the Licensing Officer withdrew from the meeting at this point)

Members then discussed the merits of issuing a new licence or a renewal in this case. They noted that the vehicles were of a high standard and well-maintained and rotated. Although the criteria for issuing a renewal in this case was not met, the sub-committee considered that there were merits in issuing a new licence in this case.

(The licence holder and the Licensing Officer were readmitted to the meeting and informed of the sub-committee's decision)

RESOLVED to -

- (1) grant a new licence for the full period in this case
- (2) ask officers to ensure that the costs in issuing the new licence did not exceed those of a renewal
- (3) remind the applicant that he needed to ensure future applications were submitted on time and that he should not rely on the receipt of reminder letters

***4 SUSPENSION/REVOCAION OF NORWICH CITY COUNCIL PRIVATE HIRE DRIVER's LICENCE NO. 20/0172/PHDRIV**

(The licence holder and the Public Protection Licensing Adviser (the Licensing Officer) were admitted to the meeting)

The applicant said that he did not have his driving licence with him. The Licensing Officer confirmed the identity of the licence holder and that his licence was correct and valid.

The Licensing Officer presented the report.

The licence holder then explained the circumstances of his most recent offence of exceeding the speed limit. He confirmed that he had not yet received any further penalty points for this offence.

Members noted that the applicant had appeared before the committee in similar circumstances in April 2021. The applicant explained the circumstances of 2 further speeding offences in the current year.

In response to a question from Councillor Huntley, the licence holder said that he could not recall receiving the letter from the licensing officer following his appearance before the committee in April this year and that he was familiar with the green book of conditions.

The applicant confirmed that there were no further offences which the committee needed to be aware of. He explained the effects on his financial position should his licence be revoked. Councillor Fulton-McAllister asked on what basis the committee could be confident that further offences would not occur should the committee be minded not to revoke the licence. The applicant referred to his previous record as a licence holder and said that he was mindful of the need to comply with road traffic regulations and the conditions for holding a private hire drivers licence.

(The licence holder and the Licensing Officer withdrew from the meeting at this point)

Members then discussed the merits of revocation or suspension of the licence in this case taking into account the Council's policy. The legal adviser suggested that the committee adjourn whilst she obtained further clarification.

(The meeting was adjourned from 4.25pm until 4.55pm)

The committee reconvened and the legal advisor said that suspension of a licence would normally be for a maximum of 3 months and the committee should consider the impact on the licence holder's personal circumstances.

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

RESOLVED to :-

- (1) suspend the licence for a period of 3 months;
- (2) advise the applicant that the decision was a diversion from the Council's policy and areas of concern were the incidences of repeat speeding, being distracted and influenced by passengers, and that the applicant had not heeded the warning given at his previous hearing in April 2021
- (3) encourage the licence holder to undertake somee refresher training to improve his driving skills
- (4) ask the Licensing Officer to write to the licence holder within 14 days of this meeting confirming this decision.

CHAIR



Regulatory Subcommittee

14:30 to 15.30

9 August 2021

Present: Councillors Stutely (Chair), Peek (substitute for Councillor Brociek-Coulton) and Youssef

Apologies: Councillors Brociek-Coulton, Schmierer and Thomas (Vi)

1. Declarations of Interest

There were no declarations of interest.

2. APPLICATION FOR RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE – CASE NUMBER 20 00827 PHVEH

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

The chair introduced the members of the panel and officers present. The applicant confirmed that he had received a copy of the report.

The licensing advisor presented the report.

The chair summarised the report stating that the applicant had failed to renew his licence before the renewal date on 8 July 2021, the application was made on 15 July. The chair asked the applicant to explain why his application for renewal of his licence had been late and following the explanation, the chair thanked the applicant for his candour.

The committee's legal advisor said that as there was not a current licence in place to renew the decision before the committee was whether to grant a licence or not to the applicant. He noted the report confirmed the mechanical fitness of the applicant's vehicle which the applicant confirmed.

(The applicant and the licensing advisor withdrew from the meeting at this point)

Members then discussed the merits of issuing a new licence. They noted that the evidence was that the vehicle was of a high standard and well maintained. They consider that although the criteria for issuing a renewal in this case were not met, as the licence had expired by the time the application for renewal was made, there were merits in issuing a new licence.

(The applicant and the licensing advisor were readmitted to the meeting and informed of the subcommittee's decision)

RESOLVED to -

- (1) grant a new licence for the full period in this case;
- (2) ask officers to ensure that the costs in issuing the new licence did not exceed that of a renewal; and
- (3) remind the applicant that he needed to ensure future applications were submitted on time.

CHAIR



Regulatory Subcommittee

14:20 to 16.00

13 September 2021

Present: Councillors Stutely (Chair), Ackroyd, Fulton-McAlister (E), Huntley and Schmierer

1. Declarations of Interest

There were no declarations of interest.

2. APPLICATION FOR RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE – CASE NUMBER 18/01541/PHDRIV

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

The chair introduced the members of the panel and officers present. The applicant confirmed that he had received a copy of the report.

The public protection manager presented the report. He presented further information to the committee which was circulated, this included a record of telephone conversations between the licensing department and the applicant and a copy of a newspaper article. Members also reviewed the minutes of the committee meeting of June 2020.

The applicant provided a copy of his basic DPS certificate and committee reviewed and confirmed that his driving licence was in date.

The legal advisor to the committee checked the matters which the committee wished to refer to and asked whether the applicant was happy to remain unrepresented which the applicant confirmed he was.

The chair asked the applicant to explain why he had previously appeared before committee in July 2014.

A member asked why the applicant had not declared when he made his licence renewal application any information in relation to an incident in June 2018. The applicant explained the circumstances of the incident and answered member's questions.

A member asked if the applicant had been involved in any other incidents and he confirmed he had not.

It was highlighted that if the applicant's licence was successfully renewed by committee then he would be required to return with an enhanced DBS certificate when he made his next application which would be due October 2021.

(The applicant and the public protection manager withdrew from the meeting at this point)

Members then discussed the merits of renewing the applicant's licence. Committee considered on balance that the applicant was a fit and proper person and to issue a renewal. The decision was not unanimous. The reasons decided upon by the majority of the councillors when they agreed the renewal on a split vote that the applicant was considered a fit and proper person, were:

- 1) Other than a matter in 2012 which resulted in a caution, and which due to the passage of time has negligible relevance today, there is a single incident of concern.
- 2) Committee noted the circumstances of the incident in June 2018 which was a serious but isolated incident and the applicant had a good driving record otherwise
- 3) The test for committee is to consider whether the applicant is a fit and proper person to be a taxi driver as at today's date, and committee on balance believes that the applicant is a fit and proper person to be a taxi driver and renewed your licence.

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

RESOLVED to -

- (1) grant a renewal; and
- (2) ask the applicant to review the green book.

CHAIR



Regulatory Subcommittee

14:20 to 16.00

11 October 2021

Present: Councillors Stutely (Chair), Giles, Maxwell, Sands (S) and Schmierer;

Also present: Tiffany Bentley (Public Protection Team Leader), Rachel Bennett (Licensing Adviser), Sarah Moss (Legal Advisor, nplaw)

1. Declarations of Interest

There were no declarations of interest.

2. APPLICATION FOR RENEWAL OF A HACKNEY CARRIAGE VEHICLE LICENCE – CASE NUMBER 20/01022 HACKV

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

The chair introduced the members of the panel and officers present. The applicant confirmed that he had received a copy of the report.

The licensing advisor presented the report.

The chair asked the applicant to explain the delay in submitting the application to renew the hackney carriage licence. The applicant explained that the delay was due to Covid-19 and he had run the family business with a number of hackney carriage vehicles for over ten years. In this time a renewal had never been made late and the licensing advisor confirmed that she could not recall a renewal application ever being received late from the business.

The chair explained that as the renewal application had been made outside of the renewal period, the application may be treated as an application for the grant of a new vehicle licence. As the vehicle in question was over five years old it could only be granted a new licence if committee agreed to an exception to the council's policy of not granting a new licence to vehicles older than 5 years.

If committee agreed to grant a licence it would have to be confident the vehicle was in a suitable and road worthy condition. Committee noted the applicant had provided a relevant MOT certificate and the mileage on the vehicle and asked the applicant if he considered the vehicle to be in good working order.

The applicant explained that all vehicles at the business were serviced every six weeks and as such he was confident that the vehicle was in good working order.

(The applicant, his daughter, the public protection team leader and licensing advisor withdrew from the meeting at this point.)

Members discussed the renewal application, taking advice from the legal advisor and applying current case law. Members were also mindful of the overriding consideration of public safety and ensuring a vehicle is safe and fit for purpose.

They noted the evidence submitted by the applicant was that the vehicle was of a high standard and very well maintained, with servicing taking place every six weeks. Members therefore concluded that because the vehicle was maintained to a high operational standard, it was very likely that emissions would be kept to an acceptable standard and that the vehicle was fit for purpose. They also noted that had renewal of the licence taken place in the usual way, the age of his vehicle would still have accorded with the policy and that renewal had not taken place because of one-off unfortunate circumstances, rather than deliberate disregard or carelessness. The Committee considered, therefore, that granting the applicant a new licence would not interfere substantially with the aims of the policy and there were sufficient grounds to justify departing from the policy on this occasion.

(The applicant, his daughter, the public protection team leader and licensing advisor were readmitted to the meeting and informed of the subcommittee's decision)

RESOLVED to:

- (1) grant a new licence for the full period in this case, to be processed under officers' delegated powers on submission of a new application for the grant of a vehicle licence and submission of all required paperwork including current MOT certification, Mechanical Inspection Test Certificate and insurance certification;
- (2) to charge for the cost of the application and the renewal; and
- (3) remind the applicant that he needed to ensure future applications were submitted on time.

3. REVOCATION OF PRIVATE HIRE LICENCE – 18/01792 PHDRIV

The public protection team leader presented the report. The applicant was not present, members noted the circumstances of the revocation of the licence.

RESOLVED to note the report.

**4. SUSPENSION/ REVOCATION OF PRIVATE HIRE LICENCE – 19/01837
PHDRIV**

The public protection team leader presented the report. The applicant was not present. The public protection team leader circulated further information in relation to the revocation. It was noted that the licence had been revoked by officers on delegated authority as detailed in the council's licensing policy. Members noted the circumstances of the revocation of the licence.

RESOLVED to note the report.

CHAIR