



REGULATORY SUB COMMITTEE

14:30 to 16:15

13 July 2015

Present: Councillors Button (chair), Ackroyd, Maxwell, Price and Ryan

1. Declarations of interest

There were no declarations of interest.

2. Exclusion of public

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

***3. Application for grant of a hackney carriage driver's licence – application ref: 15/01029/HACKD (paragraphs 1 & 3)**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He was unable to produce his DVLA licence for inspection by the committee. The licensing manager circulated a photocopy of the applicant's licence which was received and inspected by the sub-committee. The applicant confirmed that since the application form had been completed on 20 February 2015, he had a matter pending relating to the receipt of notice of intended prosecution relating to a speeding offence and that he had no further convictions or cautions.)

The applicant explained that he had received notification of a speeding offence and said that he had not been driving the vehicle at the time and had passed it on to the driver. The licensing manager advised the committee that the matter was not complete. The paperwork had been passed to the person that the applicant had named and the matter might or might not be contested. The subcommittee agreed to continue its consideration of this application subject to the applicant informing the licensing manager of the outcome of this matter.

The licensing manager presented the report.

The applicant explained the circumstances surrounding the receipt of a caution for battery on 1 January 2014 and answered members' questions. He had mistakenly considered that the caution was a spent conviction and unrelated to driving a private hire vehicle.

The applicant explained that he wanted to work at night to spend more time with his family and that this would be his only employment.

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

Following discussion it was:-

RESOLVED, unanimously, to grant the hackney carriage driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application, subject to:

- (1) the applicant informing the licensing manager of the outcome of the driving offence in due course;
- (2) asking the licensing manager to write to the applicant to ensure that he is aware of the conduct expected of hackney carriage drivers and that violent behaviour is not tolerated.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The applicant then left the meeting)

***4. Application for grant of a 3 month private hire driver's licence – application ref 15/00642/PHD3 (paragraphs 1 & 3)**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his convictions on 14 April 2011 for exceeding the statutory speed limit on a public road and 3 May 2011 (offence date 13 November 2010) for exceeding goods vehicles speed limits. He explained that he had not declared these convictions due to an oversight and that a council officer had assisted him when he completed his application form. He had been under the impression that he had disclosed both convictions.

The applicant explained that he had applied for a private hire driver's licence to improve his family life and spend more time with his children.

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

Following discussion it was:-

RESOLVED, unanimously, to grant the private hire driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The applicant then left the meeting)

***5. Suspension/revocation of Norwich City Council private hire driver's licence no 14/01249/PHDRIV**

(The licence holder attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He was unable to produce his DVLA licence. He also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending other than the matters set out in paragraph 1 of the report.)

The licence holder explained that he was unable to produce his DVLA licence and had applied to the DVLA for a duplicate.

The licensing manager presented the report and referring to paragraph 4 of the report pointed out that the DVLA licence was one of the documents that the licence holder had failed to submit. He pointed out that there was a discrepancy with the dates as the licence holder made an application for a licence on 7 August 2012 and it was not issued until 6 June 2013. The licensing manager therefore would need to check the details of this and whether a medical certificate or disclosure and barring service documentation was required. Members agreed that the licensing manager was granted authority to deal with outstanding matters set out in paragraph 4, subject to there being no further matters that he would need to report to a further subcommittee.

The licence holder explained the circumstances that had led to him being charged with the possession of cannabis and using threatening words or behaviour on 1 July 2015 and answered members' questions.

The licence holder said that he had not been working since the alleged offence but that he was waiting to hear from other private hire vehicle companies for work.

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

Following discussion it was:-

RESOLVED, unanimously, to:

- (1) defer consideration of the suspension/revocation or refuse to renew the Norwich City Council private hire driver's licence no 14/01249/PHDRIV, in accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act, 1976, until the outcome of the pending court proceedings against the licence holder;

- (2) delegate to the licensing manager to resolve the outstanding matters as set out in paragraph 4 of the report.

(The licence holder and the licensing manager were admitted to the meeting and informed of the decision minuted above. The licence holder left the meeting.)

***6. Application no for renewal of a hackney carriage driver's licence case numbers 13/02259/HACKD & 14/02048/HACKD**

(The chair agreed to move this item down the agenda to allow for more time for the applicant to attend the subcommittee hearing. The subcommittee then agreed to consider the application in the absence of the applicant.)

The licensing manager presented the report and answered members' questions.

RESOLVED, unanimously, to refuse to renew the hackney carriage driver's licence in respect of these applications in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976 because the applicant has failed to submit a satisfactory medical certificate following his attendance at the regulatory subcommittee on 11 May 2015 and in the absence of such a report the subcommittee could not be satisfied that the licence holder was a fit and proper person to hold a licence.

CHAIR