

Licensing committee

Date: **Thursday, 01 December 2022**
Time: **16:30**
Venue: **Council chamber, City Hall, St Peters Street, Norwich, NR2 1NH**

Committee members:

Councillors:

Stutely (chair)
Ackroyd
Brociek-Coulton
Catt
Davis
Fulton-McAlister (E)
Grahame
Huntley
Kidman
Peek
Price
Sands (S)
Schmierer

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Agenda

1 Apologies

To receive apologies for absence.

2 Declarations of interest

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting).

3 Public questions/petitions

To receive questions / petitions from the public which have been submitted in accordance with the council's constitution.

4 Appointment of vice-chair

To appoint a vice-chair for the ensuing civic year.

5 Minutes

5 - 10

To agree the accuracy of the minutes of the meeting held on 3 March 2022.

6 Consideration of cumulative impact assessment

11 - 16

Purpose: To hear the information provided by Norfolk Constabulary and to consider if it is an appropriate time to undertake a cumulative impact assessment.

7 Standing item minutes of regulatory subcommittee

17 - 56

To receive the minutes of the regulatory subcommittees held on 9 March 2020, 8 June 2020, 14 September (am) 2020, 14 September (pm) 2020, 12 October 2020, 8 February 2021, 9 May 2022, 13 June 2022, 8 August 2022, 12 September 2022 and 10 October 2022.

Exclusion of the public

Consideration of exclusion of the public.

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: **Wednesday, 23 November 2022**



Licensing Committee

16:40 to 18:10

03 March 2022

Present: Councillors Stutely (chair), Ackroyd, Button, Giles, Huntley, Maxwell, Sands (S), Schmierer, Thomas (Vi) and Youssef

Apologies: Councillors Fulton-McAlister (E) (vice-chair), Brociek-Coulton and Price

1. Declarations of interest

There were no declarations of interest.

2. Public Questions/Petitions

There were no public questions or petitions.

3. Minutes

RESOLVED to approve the accuracy of the minutes of the meetings held on 26 November 2020, 28 January 2021 and 8 July 2021

4. HMO Licensing policy

The head of planning and regulatory services presented the report.

She highlighted the changes that had been made due to responses to the consultation and further officer amendments, including the introduction of tiered licences. As officer changes had been made subsequent to the consultation the draft policy was again being consulted on, with a closing date of 28 March 2022.

The policy was not a statutory document but instead reflected best practice. The aim of the policy was to drive up the standards of privately rented accommodation in the city. The draft policy would only apply to those HMOs that required a mandatory licence to operate. As part of that process the property would be inspected before a licence was issued rather than during the period of the licence. Depending on a variety of factors including how well-run the property was and the landlord's history of managing properties, either a 1-year, 3-year or 5-year licence would be issued. This would mean that the landlords that delivered a high-quality accommodation for residents would be issued a 5-year licence. The cost of licences would reflect the amount of office time required to administer the licence and inspect and visit the

property. A landlord who did not provide high-quality accommodation would be penalised with shorter licence terms, more inspections and higher associated costs.

In response to a member's question the head of planning and regulatory services replied that the terms of the licence would be subject to a variety of factors, including the inspection and any historic information or issues in the area and the prior knowledge of the landlord. She highlighted that if issues were reported to councillors that they should report these to the council so appropriate investigation could be undertaken, including enforcement action where appropriate. The chair highlighted the need for members of the public to report any issues to the council as this would help to inform where enforcement action may need to be taken.

The head of planning and regulatory services clarified that all mandatory licensable properties in the city were currently being issued a one-year licence, and once the policy was adopted, these properties would be inspected before licences were renewed. Through the budget setting process, funds had been secured to update evidence last gathered in 2016 about HMOs across the entire city, which would build the evidence basis for consideration of licensing all HMOs in future. There were a number of sources that would be used including both information from planning and reports from the private sector housing service on the demographics and housing need in the city. A member asked whether there was a dedicated officer to deal with inspections of HMOs. In response the head of planning and regulatory services highlighted paragraph seven of the report that detailed that due to the increased fees that were to be charged an officer could be recruited to facilitate this.

A member asked whether the list in the 'fit and proper' assessment was sufficient, especially with regard to it listing 'certain types of sexual offences' and asked which sexual offences would be disregarded in making a fit and proper person determination. The head of planning and regulatory services stated that in drafting the policy the council had followed best practice. After discussion the committee agreed to amend this paragraph to include all sexual offences.

In response to a question from a member the head of planning and regulatory services agreed that the wording at paragraph 9.6 around the 'reasonable proximity' was not clear and this wording could be reviewed for clarity. The chair asked the head of planning and regulatory services to include definitions of what made a competent representation in the policy.

The head of planning and regulatory services stated in response to a member's question on the list of consultees in paragraph 4.2 of the policy, that examples of this would include estate agencies, landlords' association, or a landlord's forum. She said that there was a desire to establish such a forum in Norwich to help drive up standards. A member suggested that the University of East Anglia be added to the list of consultees for this policy, as a number of students lived in HMOs within the city. The head of planning and regulatory services replied that a number of conversations were ongoing with the university around student housing across the city. The chair highlighted that if members had other organisations, they felt should be consulted to let the environmental health and public protection manager know.

A member commented that there had been issues in their ward with HMOs and wanted to clarify whether the policy could require the distance from the property to be specified and whether the landlord has 24/7 access, in response the head of

planning and regulatory services stated that paragraph 9.6 would be reviewed and if possible amended.

The head of planning and regulatory services clarified that the policy could be reviewed at any time and that the reference to “no policy amendment necessary” in appendix 2 of the report should be read that ‘no policy amendment is necessary at the present time’.

The chair asked whether the number of HMOs were subject to planning policy and in response the head of planning and regulatory services said that change of use from residential to an HMO could be subject to an Article 4 direction (removing permitted development rights) which, if granted approval by the Secretary of State, would require that a planning application must be submitted for each HMO. However, planning decisions on HMOs would be subject to development management policies being in place. Currently there are none hence why the update to the evidence base is required.

A member asked the head of planning and regulatory services whether she was aware if there were any ‘super landlords’ as a recent Freedom of Information request in Edinburgh highlighted and whether it was possible to stop a landlord from owning multiple HMOs. In response she stated that she did not have that information to hand and would provide information outside of the meeting. She would also provide clarity on whether the city council had any powers to stop someone from operating multiple HMOs.

In response to a member query the head of planning and regulatory services clarified that a number of the listed transgressions in paragraph 9.15 would be known to the service when processing applications, such as any refusals or enforcement action undertaken against the applicant. By way of a supplementary question a member asked whether Disclosure and Barring Service (DBS) checks would be routinely asked for and in response the head of planning and regulatory services stated that these were not a requirement for an application, but the police were consulted on the applications. If concerns were raised by the police, then a DBS could be required. The head of planning and regulatory services would confirm to members on whether this could be a requirement.

In response to a member question the head of planning and regulatory services clarified that the amenity standards were omitted from the report, but these were mandatory for HMO operators to comply with. The chair clarified that the amenity standards had previously been brought to committee when the HMO Licensing Policy had previously been discussed, but these were not subject to the committee’s amendments.

Members discussed fire safety and whether a fire assessment certificate should be a required document as part of the application process. The head of planning and regulatory services would confirm if this could be the case.

A member raised concerns about 3-year licences and stated that in their view some of the criteria for a 3-year licence should be cause for great concern. The policy should instead only look to have a 1-year licence or a 5-year licence. The head of planning and regulatory services stated that having only a 1-year and 5-year licence would increase the burden on officers to administer, and the 3-year licences should be used as an opportunity for an HMO operator to demonstrate that they are working

on improving on any issues that may have arisen in the property. By way of a follow up question, a member asked whether there was a matrix for officers to determine whether a matter is serious or significant enough for a 1-year licence and the head of planning and regulatory services confirmed that the decision would be made by qualified officers. A review of the three tiers may be appropriate when the policy has been in place and properly embedded.

In response for a member's request for clarification the head of planning and regulatory services stated that the inspection process for a 5-year licence would consist of an inspection before a licence or a renewal was granted and then relatively minimal officer contact unless issues are identified. A 3-year licence would have an inspection before a licence was granted and another inspection halfway through the term of the licence. The 1-year licences may have multiple inspections, the initial inspection before the licence is granted, and then inspections throughout the year. Offering multiple licence terms would allow officers to concentrate on the 1-year licences.

In a response to a member's question the head of planning and regulatory services stated that there was no limit on how often an operator could be issued a 1-year licence but the higher cost of 1-year licence could deter a landlord from not improving their standards.

A member asked for clarity whether a landlord could move directly from a 1-year licence to a 5-year licence. In response the head of planning and regulatory services stated that there would need to be significant changes for a landlord to receive a 5-year licence after having a 1-year licence, the likelihood would be that a landlord instead would graduate through the tiers.

In response to a member's query the head of planning and regulatory services said that timescales for fixing issues were set in legislation based on enforcement action, but they must be given reasonable timescales for this.

Members discussed their concerns about some of the criteria within the 3-year licence as they felt some of these, (for example "the presence of hazards") were serious enough for a 1-year licence. The head of planning and regulatory services assured members that officers would be making decisions based on the severity of any issues within the property or with the management. Members agreed that the following criteria should be moved to the 1-year licence: "*No provision of written tenancy or licence agreements*". Members also felt that non-compliance of Building Regulations should also be included within the 1-year licence criteria. The head of planning and regulatory services stated that she needed to clarify whether it would be appropriate to move non-compliance to Building Regulations to the 1-year licence before amending the policy.

Councillor Schmierer proposed, and Councillor Maxwell seconded the following amendment to the HMO Licensing Policy: to remove the 3-year licence and instead roll the criteria into the 1-year licence. With four members voting for and six members voting against this amendment was lost.

The chair stated that having a full review of the HMO Licensing Policy within two years of the policy being implemented would be beneficial and asked that a report was brought to the licensing committee within one year of implementation.

A member asked whether in the case of a sale of a HMO whether the new landlord would have to apply for a new licence, in response the head of planning and regulatory services stated that the licence goes with the landlord.

The cabinet member for safer, stronger neighbourhoods clarified that the cost of the inspection was covered by the application fee, but the cost of enforcement action must be sought from elsewhere in the budget. The cost of enforcement could not be included in the licence fee due to legislation. She highlighted that the tiered approach would allow the council to focus on the landlords that were not providing good quality housing.

The committee requested a further report once the current consultation closed before recommending the policy to cabinet for approval. The report should include members outstanding queries as well as a summary of the final consultation responses.

RESOLVED to:

- (1) Note the consultation responses and amendments to the policy;
- (2) Make the following amendments:
 - (a) Change any reference to gendered personal pronouns to gender-neutral personal pronouns
 - (b) Amend the wording of paragraph 8.1 to read "*The Council has discretion to offer a 1 year, 3 year or 5-year licence*"
 - (c) Remove the following text from paragraph 9.12 "*certain types of*"
 - (d) Clarify that a competent representative can be an individual and does not need to be a part of a letting or estate agency
 - (e) Add a list of definitions as to what makes a competent representative
 - (f) At paragraph 4.2 list of consultees to include examples of "persons who appear to the authority to represent the interests of persons operating House in Multiple Occupations", for example: local estate agents or University of East Anglia Homerun
 - (g) Reviewing the language on distance in paragraph 9.6;
 - (h) Amend the wording of paragraph 9.12 second bullet point (amended wording) "*practised unlawful discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and motherhood, race (which can be in reference to race, colour, nationality or ethnic or national origins) religion and belief, sex or sexual orientation, in connection with the carrying out of business*"

- (i) Consider adding clarity and advice on what a layout plan must show in paragraph 8.1; and
 - (j) Move the following criteria to the list for a 1-year licence in paragraph 14.2: "*No provision of written tenancy or licence agreements*".
- (3) defer recommending the HMO Licensing policy to cabinet following the close of the latest consultation and a report on those comments and the following outstanding queries:
- (a) Consider adding the following criteria to the list for a 1-year licence in paragraph 14.2 "serious failure to Building Regulations"
 - (b) Consider adding that someone cannot move from a 1-year licence issued under this policy to a 5-year licence if improvements have been made; and
 - (c) Consider adding definitions to what entails a "serious hazard" within the criteria for 1-year licences in paragraph 14.2.

5. Regulatory subcommittee minutes

RESOLVED to receive the minutes of the regulatory subcommittee meetings

CHAIR



Committee name: Licensing

Committee date: 01/12/2022

Report title: Consideration of cumulative impact assessment

Portfolio: Councillor Jones, Cabinet member for safe, strong and inclusive neighbourhoods

Report from: Head of planning and regulatory services

Wards: All wards

OPEN PUBLIC ITEM

Purpose

To hear the information provided by Norfolk Constabulary and to consider if it is an appropriate time to undertake a cumulative impact assessment.

Recommendation:

It is recommended that members hear the information provided by Norfolk Constabulary and consider if it is an appropriate time to undertake a cumulative impact assessment under the Licensing Act 2003, the Guidance issued under section 182 of that act and Norwich City Council's statement of licensing policy.

Policy framework

The council has five corporate priorities, which are:

- People live independently and well in a diverse and safe city.
- Norwich is a sustainable and healthy city.
- Norwich has the infrastructure and housing it needs to be a successful city.
- The city has an inclusive economy in which residents have equal opportunity to flourish.
- Norwich City Council is in good shape to serve the city.

This report meets the 'People live independently and well in a diverse and safe city' and 'The city has an inclusive economy in which residents have equal opportunity to flourish' priorities.

Report details

1. The Licensing Act 2003 requires licensing authorities to have a statement of licensing policy for the local area. Section 5a of the [Licensing Act 2003 \(legislation.gov.uk\)](https://www.legislation.gov.uk) was introduced in 2017, giving licensing authorities the option to consider cumulative impact assessments.
2. The Guidance issued under section 182 of the Licensing Act 2003 provides explanations of what cumulative impact is and how cumulative impact assessments are to be carried out (paragraphs 14.20 to 14.48) [Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)
3. Norwich City Council's current statement of licensing policy under the Licensing Act 2003 came into effect in December 2021 [Licensing policy | Licensing policy | Norwich City Council](#)
4. The current licensing policy does not have a special policy on cumulative impact. The previous cumulative impact special policy was removed due to legislative change (requiring a more detailed consultation and evidential basis) along with the Covid19 pandemic. Many premises were restricted from normal trading for extended periods of time and it was not considered possible to accurately assess the long-term impacts of the pandemic or to assess cumulative impact of the number or density of licensed premises and the effect on the licensing objectives.
5. The statement of licensing policy contains the following paragraph:

‘Due to the current Covid-19 pandemic and the changing restrictions on licenced premises, it is not possible to carry out an appropriate cumulative impact assessment at this time. It is the intention of this authority to perform a cumulative impact assessment at an appropriate time. This committee will review the possible introduction at a six-month interval from the introduction of this policy and thereafter as needed.’
6. Responsible authorities were asked in the summer if there were any concerns over cumulative impact, but none were raised. Members last considered the issue of cumulative impact in June 2022 where it was decided to review again after a six-month period.
7. Norfolk Constabulary have been invited to attend this meeting to provide information on licensed premises through crime and disorder statistics and operational experiences. They are the responsible authority under the Licensing Act 2003 with expertise on the licensing objective of crime and disorder and a valued partner in all licensing activities.
8. If publishing a cumulative impact policy, a licensing authority is required to set out evidence of problems that are being caused by the cumulative impact of licensed premises in a particular area. The evidence is used to justify the special policy on cumulative impact that granting further premises licences and/or club premises certificates in a specified area is likely to be inconsistent with the licensing authority's duty to promote the licensing objectives.

9. Paragraph 14.34 of the s182 Guidance directs licensing authorities to:
- Identify concerns about crime and disorder; public safety; public nuisance or protection of children from harm in a particular location.
 - Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
 - If there is evidence that such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that cumulative impact is imminent.
 - Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).
10. Sources of evidence suggested include local crime and disorder statistics, including statistics on specific types of crime and crime hotspots; statistics on local anti-social behaviour offences; health-related statistics such as alcohol-related emergency attendances and hospital admissions; environmental health complaints, particularly in relation to litter and noise; complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations; residents' questionnaires; evidence from local councillors; and evidence obtained through local consultation.
11. A cumulative impact policy does not affect how licensing decisions are made. The process of application, consultation and hearing remains the same. The licensing authority can grant an application where it considers it is appropriate and where the applicant can demonstrate in their application that they would not be adding to the cumulative impact.
12. The options available to members are to:
- Request work to begin on a cumulative impact assessment (this would require a scoping and project planning exercise)
 - Request further information on whether a cumulative impact assessment is necessary
 - Not to conduct a cumulative impact assessment at this time but to schedule another review point
13. Members are reminded that a cumulative impact assessment can be begun at any point in time they deem appropriate. The method of conducting a cumulative impact assessment is detailed in the section 182 Guidance issued under the Licensing Act 2003.

Consultation

14. None

Implications

Financial and resources

Any decision to reduce or increase resources or alternatively increase income must be made within the context of the council's stated priorities, as set out in its

Corporate Plan 2022-26 and budget.

15. There are no proposals in this report that would reduce or increase resources.

Legal

16. [Legal implications should include:

- [Licensing Act 2003 \(legislation.gov.uk\)](https://legislation.gov.uk)
- [Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)
- [Licensing policy | Licensing policy | Norwich City Council](#)

Statutory considerations

Consideration	Details of any implications and proposed measures to address:
Equality and diversity	No implications, no measures proposed
Health, social and economic impact	No implications, no measures proposed
Crime and disorder	Norfolk Constabulary are attending this meeting, no further measures proposed
Children and adults safeguarding	No implications, no measures proposed
Environmental impact	No implications, no measures proposed

Risk management

Risk	Consequence	Controls required
Operational	Would require dedicated project approach	Likely to require separate funding
Legal	To ensure compliance	nplaw will attend the meeting
Reputational risks to the council	Risk of challenge if incorrectly applied or if problems arise	nplaw will attend the meeting

Other options considered

17. None

Reasons for the decision/recommendation

18. To comply with the statement made in the statement of licensing policy to keep a cumulative impact assessment under review.

Background papers: None

Appendices: None

Contact officer: Public protection (licensing) team leader

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Minutes

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 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 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 (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



Regulatory Subcommittee

14:00 to 15:40

8 February 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 licensing 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



Regulatory Subcommittee

14:10 to 18:35

09 May 2022

Present: Councillors Stutely (chair), Fulton-McAlister (E) (vice chair), Ackroyd, Button and Schmierer;

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 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 the grant of a private hire drivers' licence – application ref 21/01715 PHDRIV

(The applicant, the public protection team leader and public protection licensing adviser were admitted to the meeting)

The chair introduced members of the committee to the applicant and asked the public protection licensing adviser to confirm the identity of the driver using a photocopy of his driver's licence. The applicant confirmed that he had received the report and that he was aware of his right to legal representation but had chosen not to be. The applicant confirmed that he had a pending court case.

The applicant confirmed the details of the pending court case.

The legal advisor advised members to defer the item until after the conclusion of the pending court case, and to hear the application at the next relevant committee date.

RESOLVED to defer hearing the application to the next appropriate committee meeting following the conclusion of the court case.

(The meeting was adjourned from 2:25pm to 2:55pm.)

***4. Application for the Grant of Hackney Carriage Drivers' Licence**

Additional papers were circulated by the applicant and read by all parties.

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

The chair welcomed the applicant. The applicant confirmed that he was aware of his right to legal representation but had chosen not to be. The applicant also confirmed that there were no pending court cases against him.

The public protection licensing adviser presented the report. The applicant then circulated further papers, which included photographs and police reports made by the applicant, to the committee.

The chair asked the applicant to detail the circumstances of each of the allegations that had been made against him. In each case the applicant denied each allegation and said that these had been made in an attempt to blackmail.

The applicant then stated that he had audio recordings of the alleged incidents of blackmail which he asked his sister to play for the committee. The applicant withdrew from the meeting at this point

(The applicant's sister withdrew from the meeting at this point. The applicant was readmitted to the meeting).

The chair summarised the contents of the recording that had been heard by the committee.

The applicant then answered further questions from members on the allegations made against him.

In response to a member's question on driving vulnerable people the applicant stated that he had been in contact with vulnerable people both through his previous years as a taxi driver and in his personal life.

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

Members discussed the merits of refusing to grant the application as the applicant had, on balance, not met the fit and proper person test. The committee was concerned about the nature of allegations against the applicant and these were alleged to have taken place over several years, even though the allegations did not result in conviction. As the role of a taxi driver involved the transport of vulnerable persons the committee felt that in order to protect the public safety they were minded to refuse the application.

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

RESOLVED, unanimously, to refuse the application for the grant of a Hackney Carriage drivers' licence 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 Local Government (Miscellaneous Provisions) Act 1976.

(The applicant was informed of his right to appeal the decision to the Magistrates' Court and that this must be done within 21 days of being notified of the decision.)

***5. Verbal update - revocations**

RESOLVED to defer this item to the next committee meeting.

CHAIR



Regulatory Subcommittee

14:10 to 15:35

13 June 2022

Present: Councillors Stutely (chair), Davis, Grahame and Price

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 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 the grant of a private hire vehicle licence – application ref – 21/00565/PHVEH

(The applicant and the public protection team leader were admitted to the meeting)

The chair introduced members of the committee to the applicant and asked the public protection licensing adviser to confirm the identity of the driver. The applicant confirmed that he had received the report and that he was aware of his right to legal representation but had chosen not to be.

The public protection team leader presented the report.

The applicant answered questions from members on the condition of his vehicle as the age of the vehicle was older than the policy allowed. He confirmed that his vehicle was regularly serviced and had been subject to a MOT.

(The applicant and the public protection team leader withdrew from the meeting at this point.)

Members discussed the merits of granting a private hire vehicle licence. In their view the failure of renewing the private hire vehicle licence had been an administrative error on behalf of the applicant. As the vehicle in question was only around a year and a half outside of policy and was a low emission vehicle, members were minded

to delegate the grant of a private hire vehicle licence to officers, subject to a new application being submitted including a new Mechanical Inspection Certificate.

This was put to a vote and with three members voting in favour and one abstention, it was:-

RESOLVED to grant a new licence for the full period, 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 a new Mechanical Inspection Test Certificate.

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

(The meeting was adjourned from 2:45pm to 2:55pm.)

***4. Application for renewal of a private hire drivers licence
21/02105/PHDRIV**

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

The chair welcomed the applicant. The committee confirmed the applicant's identity using the applicant's driving licence. The applicant confirmed that he was aware of his right to legal representation but had chosen not to be. The applicant also confirmed that there were no pending court cases against him.

The public protection team leader presented the report. The applicant answered questions from members on the incident that led to the driving offence detailed in the report. The applicant said that while he had read the green book he had not been aware that all motoring offences, not just those that happened whilst he was driving a taxi, needed to be reported to the council within seven days.

The applicant detailed how the incident had occurred and the offence that he had been charged with.

(The applicant and the public protection team leader withdrew from the meeting at this point.)

Members discussed the merits of granting the renewal as they felt that the specific offense was due to, in part, the applicant not having been made aware that additional commercial insurance was needed to work as a food delivery driver. The incidence of speeding had not occurred while the applicant was working as a taxi driver, and no other passengers had been in the vehicle. They were minded to grant the renewal for the full period but issue a warning letter to remind the applicant of the importance of reading the green book and ask officers to conduct a driving record check after 12 months to ensure that no further driving offences had been recorded.

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

RESOLVED, unanimously, to :-

- 1) Grant the renewal for the full period;
- 2) Send a warning letter to the applicant advising him to read the green book and if he had any questions to contact public protection officers; and
- 3) Ask officers to conduct a DVLA licence check after a period of 12 months to ensure that no further driving offences had been recorded.

(The applicant was informed of his right to appeal the decision to the Magistrates' Court and that this must be done within 21 days of being notified of the decision.)

***5. Verbal update - revocations**

RESOLVED to defer this item to the next regulatory subcommittee meeting.

CHAIR



Regulatory Subcommittee

14:00 to 16:40

8 August 2022

Present: Councillors Stutely (chair), Catt, Kidman, Peek, Schmierer

Apologies: None

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 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 the grant of a private hire vehicle licence – application ref – 21/00565/PHVEH

(This was taken first)

(The applicant, the public protection licensing adviser and the public protection licensing assistant were admitted to the meeting)

The chair introduced members of the committee to the applicant. The committee confirmed the applicant's identity using the applicant's driving licence. The applicant confirmed that he had received the report and that he was aware of his right to legal representation but had chosen not to be. The applicant also confirmed that there were no pending court cases against him.

The public protection licensing adviser presented the report.

The applicant answered questions from members on the incidences of speeding and why he had not informed the licensing department of the motoring offences within the seven days that were required in the 'Green Book'. The applicant said that he was not aware of the requirement to inform the council of motoring offences within that time period.

(The committee adjourned several times between 2:10pm and 2:35pm to seek advice on the policy wording at the time of the offences.)

The committee confirmed that the 'Green Book' wording had been ambiguous at the time of the offences and had not included direct reference to motoring offences. The updated policy had been adopted in January 2020.

(The applicant, the public protection licensing adviser and the public protection licensing assistant withdrew from the meeting at this point.)

Members discussed the merits of renewing the private hire driver's licence. In their view the failure to declare the speeding offences had been due to the wording of the policy which had not included reference to motoring offences. The incidences had not occurred while passengers were in the vehicle and no further motoring offences had occurred in the three years since the date of the last offence. The committee also noted that the incidences had occurred late at night and the number of points was at the lower end of the points given for speeding offences.

It was **RESOLVED** to:-

- 1) Grant the renewal for the full period; and
- 2) Remind the applicant to read the Green Book and if he had any questions to contact public protection officers.

(The applicant, the public protection licensing adviser and the public protection licensing assistant were readmitted to the meeting and informed of the subcommittee's decision)

(The meeting was adjourned from 2:45pm to 3pm.)

***4. Application for grant of a private hire drivers licence 22/01178/PHDRIV**

(This item was taken next)

Additional papers comprising two letters from the applicant's solicitor, a notice of fixture from the Crown Court and a character reference from the applicant's private hire operator were circulated by the applicant and read by all parties. .

(The applicant, the public protection licensing adviser and the public protection licensing assistant were admitted to the meeting.)

The chair welcomed the applicant. The committee confirmed the applicant's identity using a photocopy of the applicant's driving licence. The applicant confirmed that he was aware of his right to legal representation but had chosen not to be. The applicant also confirmed that there were no pending court cases against him.

The public protection team leader presented the report.

The applicant detailed how the incident had occurred and the offences that he had been charged with.

(The applicant, the public protection licensing adviser and the public protection licensing assistant withdrew from the meeting at this point.)

Members discussed the merits of refusing to grant the private hire driver's licence. They considered that the applicant had, on balance, not met the fit and proper person test. The committee took note of the additional papers circulated by the

applicant and considered the nature of the incident. The committee also gave regard to the council's policy which suggests that someone with the specific type of conviction presented would not normally be granted a licence.

(The applicant, the public protection licensing adviser and the public protection licensing assistant were readmitted to the meeting and informed of the subcommittee's decision)

RESOLVED, unanimously, to refuse the application for the grant of a private hire driver's licence, 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 of the Local Government (Miscellaneous Provisions) Act 1976.

(The applicant was informed of his right to appeal the decision to the Magistrates' Court and that this must be done within 21 days of being notified, in writing, of the decision.)

***5. Application for the renewal of a private hire drivers licence: case numbers 22/00254/PHDRIV**

As the applicant was not present the committee:

RESOLVED to defer this item to a future meeting of the regulatory subcommittee.

***6. Application for the renewal of a hackney carriage licence: case numbers 22/0189/HACKD**

As the applicant was not present the committee:

RESOLVED to defer this item to a future meeting of the regulatory subcommittee.

CHAIR



Regulatory Subcommittee

14:00 to 16:00

12 September 2022

Present: Councillors Stutely (chair), Ackroyd, Brociek-Coulton, Sands (S),
Schmierer (substitute for Councillor Catt)

Apologies: Councillor Catt

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 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 the renewal of a hackney carriage licence case numbers 22/01089/HACKD

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

The chair introduced members of the committee to the applicant. The committee confirmed the applicant's identity using the applicant's driving licence. The applicant confirmed that he had received the report and that he was aware of his right to legal representation but had chosen not to be. The applicant also confirmed that there were no pending court cases against him.

The public protection licensing adviser presented the report.

The applicant answered questions from members on the incidences of speeding and why he had not informed the licensing department of the motoring offences within the seven days that is required in the 'Green Book'. The applicant said that at the time of the offences he was otherwise employed and had not been sure whether he would return to driving a taxi. With regard to the failure to declare both offences on the application form he said that he had filled in the form incorrectly.

(The applicant and the public protection licensing adviser withdrew from the meeting at this point.)

Members discussed the merits of renewing the hackney carriage driver's licence. In their view the applicant had an otherwise clean record with a number of years working as a taxi driver licensed by Norwich City Council. The applicant had also not been carrying passengers at the time of either offence. The committee had taken into account the safety of members of the public and felt that there was no risk to public safety.

It was **RESOLVED** to:-

- 1) Grant the renewal for the full period; and
- 2) Ask public protection officers to conduct a DVLA check after 12 months and to send a hard copy of the Green Book to the applicant.

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

***4. Application for renewal of a private hire driver's licence case numbers: 22/00254/PHDRIV**

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

The chair welcomed the applicant. The committee confirmed the applicant's identity using the applicant's driving licence. The applicant confirmed that he was aware of his right to legal representation but had chosen not to be. The applicant also confirmed that there were no pending court cases against him.

The public protection licensing adviser presented the report.

The applicant detailed the offences and the circumstances surrounding them. He answered member's questions on why he had not informed the council of these within the required time frame. He said that he had not been aware of the requirement to do so, but that he was now aware of these.

(The applicant and the public protection licensing adviser withdrew from the meeting at this point.)

Members discussed the merits of renewing the private hire driver's licence. In their view the applicant had an otherwise clean record. The applicant had also not been carrying passengers at the time of either offence. The committee had taken into account the safety of members of the public and felt that there was no risk to public safety.

It was **RESOLVED** to:-

- 1) Grant the renewal for the full period; and
- 2) Ask public protection officers to conduct a DVLA check after 12 months and to send a hard copy of the Green Book to the applicant.

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

***5. Application for the grant of a private hire driver's licence: case numbers 22/01218/PHDRIV**

(The applicant, the applicant's sister and the public protection licensing adviser were admitted to the meeting.)

The chair welcomed the applicant. The committee confirmed the applicant's identity using the applicant's driving licence. The applicant confirmed that he was aware of his right to legal representation but had chosen not to be. The applicant also confirmed that there were no pending court cases against him.

The public protection licensing adviser presented the report. She said that while a DVLA check code had not been received at the time that the report had been published, the check had now been undertaken and the results circulated to members before the meeting.

The applicant detailed the incident that had led to his conviction. He answered members questions on this incident and historical offences. The applicant detailed how he had changed his life and driving habits since the incidence, and that he had support measures in place to prevent similar offences from happening. The committee also saw a copy of the applicant's medical certificate which confirmed that a doctor had deemed him fit to drive as a taxi driver.

(The applicant, the applicant's sister and the public protection licensing adviser withdrew from the meeting at this point.)

Members discussed the merits of granting the private hire driver's licence. The committee felt that on balance the driver had met the fit and proper person's test as he had shown remorse for the circumstances that led to his conviction and had appropriate measures in place to prevent these from happening again. In their view to ensure that the applicant remained a fit and proper person, a DVLA check and a DBS check should be conducted against his records.

It was **RESOLVED** to:-

- 1) Grant the licence for the full period; and
- 2) Delegate to officers to contact the applicant to conduct a DVLA check, enhanced DBS check and ask him to submit a new medical certificate within 12 months of issuing the licence. The cost of these checks would be for the applicant to meet.

(The applicant, the applicant's sister and the public protection licensing adviser were readmitted to the meeting and informed of the subcommittee's decision. The applicant was informed of his right to appeal within 21 days of receipt of written notification of the decision.)

CHAIR



Regulatory Subcommittee

14:00 to 16:00

10 October 2022

Present: Councillors Stutely (chair), Catt, Davis, Driver (substitute for Councillor Fulton-McAlister (E))

Apologies: Councillor Fulton-McAlister (E)

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 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 22/00506/PHDRIV**

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

The chair introduced members of the committee to the applicant. The committee confirmed the applicant's identity using the applicant's driving licence. The applicant confirmed that he had received the report and that he was aware of his right to legal representation but had chosen not to be. The applicant also confirmed that there were no pending court cases against him.

The public protection licensing adviser presented the report.

The applicant answered questions from members on two incidences of speeding that had occurred within a 12 month period. He explained why he had not informed the licensing department of the motoring offences within the seven days as required in the 'Green Book'. The applicant said that he had not understood that he was required to report the offences.

The applicant explained that in relation to the first instance of speeding he was not working as a taxi driver at the time. In relation to the second incident of speeding he was working as a taxi driver but had no passengers in the car at the time.

The applicant in response to a question from the chair said that he had struggled to submit his online renewal and had misunderstood the application form.

A member asked the applicant if he took his Green Book to work and the applicant stated that he did not have a copy. The public protection licensing adviser confirmed the book would have been signed for by the applicant when he made his application.

The applicant said he was first licenced in 2015 and had not had to appear before committee in this time.

(The applicant and the public protection licensing adviser withdrew from the meeting at this point.)

Members discussed the merits of renewing the private hire driver's licence. In their view the applicant had an otherwise clean record, having worked as a taxi driver licensed by Norwich City Council for a number of years. The applicant had also not been carrying passengers at the time of either offence. The committee were of the opinion that the applicant met the 'fit and proper person' test, having taken into account the safety of members of the public and believing that there was no risk to public safety. Given the importance to public safety of the licensing office being notified promptly of motoring offences and penalties, the committee believed it appropriate for a further DVLA check to be conducted against the applicant's records in 12 months' time.

It was **RESOLVED** to:-

- 1) Grant the renewal for the full period; and
- 2) Ask public protection officers to conduct a DVLA check after 12 months and to send a hard copy of the Green Book to the applicant.

(The applicant and the public protection licensing adviser were readmitted to the meeting and informed of the subcommittee's decision. The applicant was informed of his right to appeal within 21 days of receipt of written notification of the decision.)

***4. Application for renewal of a private hire drivers licence: case number 22/00746/PHDRIV**

(The public protection licensing adviser was admitted to the meeting.)

The applicant failed to attend the meeting and the case was deferred to the next meeting at the request of the applicant.

It was **RESOLVED** to defer consideration of the matter to the next regulatory subcommittee meeting on 14 November 2022.

***5. Application for renewal of a hackney carriage drivers' licence: case number 22/00012/HACKD**

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

The chair introduced members of the committee to the applicant. The committee confirmed the applicant's identity using the applicant's driving licence. The applicant confirmed that he was aware of his right to legal representation but had chosen not to be. The applicant also confirmed that there were no pending court cases against him.

The public protection licensing adviser presented the report.

The applicant expressed regret at the two convictions which had brought him to committee and explained the circumstances surrounding these.

In response to a question from the chair the applicant said that at the time of the incident he was concerned with paying his fine and neglected to tell the council as the licensing authority of his conviction. However, he had declared the conviction on his renewal applications.

In response to a member question the applicant admitted he had pleaded guilty to the offence.

In response to member questions regarding the second conviction, the applicant advised that he was driving a private car and had been caught by average speed cameras travelling above the speed limit.

The applicant said he had been a Norwich City Council taxi driver for over 10 years and he knew the rules and always followed them. The applicant also confirmed in response to a member's question that the address on his driver's licence needed updating as he had recently moved address.

(The applicant and the public protection licensing adviser withdrew from the meeting at this point.)

Members discussed the merits of granting the hackney carriage driver's licence. The committee felt that on balance the applicant had met the fit and proper person's test. The committee also noted that he had shown remorse for the circumstances that led to his convictions and had previously held a licence without incident for ten years. Given the importance to public safety of the licensing office being notified promptly of motoring offences and penalties, the committee believed it appropriate for a further DVLA check to be conducted against the applicant's records in 12 months' time. The applicant's address records should also be updated.

It was **RESOLVED** to:-

- 1) Grant the renewal for the full period; and
- 2) Ask public protection officers to conduct a DVLA check after 12 months and to send a hard copy of the Green Book to the applicant; and

- 3) Ask public protection officers to check the licensing authority held the correct address for the applicant.

(The applicant and the public protection licensing adviser were readmitted to the meeting and informed of the subcommittee's decision. The applicant was informed of his right to appeal within 21 days of receipt of written notification of the decision.)

***6. Application for renewal of a private hire drivers licence: case numbers 22/00260/PHDRIV**

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

The chair introduced members of the committee to the applicant. The committee confirmed the applicant's identity using the applicant's driving licence. The applicant confirmed that he had received the report and that he was aware of his right to legal representation but had chosen not to be. The applicant also confirmed that there were no pending court cases against him.

The applicant presented further information in the form of four character references which were circulated to members of the committee.

Councillor Driver declared that he knew an author of one of the character references but he did not consider that it pre-determined him in anyway.

The public protection licensing adviser presented the report.

The applicant answered questions from members on the context of the incident outlined in the report.

In response to a question from the chair, the applicant advised he had regretted his actions immediately and had tried to speak to the neighbour to clear the air. He had pleaded guilty to the offence. He no longer took on night time driving jobs and instead worked on school runs.

In response to a question from the legal adviser to the committee the applicant confirmed the offence had been dealt with by the Magistrate's Court.

The applicant explained why he had not informed the licensing department of the offence within the seven days as required in the 'Green Book'. The applicant said that he thought he had a month to report the offence. In response to a question from the chair the applicant advised that he held a copy of the Green Book but had changed cars and it was not in his current vehicle.

The applicant said he had been driving as a Norwich City Council taxi driver for 21 years and had been a taxi driver for 24 or 25 years in total. He had been to committee once before.

(The applicant and the public protection licensing adviser withdrew from the meeting at this point.)

Members discussed the merits of renewing the private hire driver's licence. The committee felt that the driver had met the fit and proper person's test. The committee noted that he had shown remorse for the circumstances that led to his convictions and had previously held a licence without incident for over twenty years.

The committee considered the four positive character references for the applicant which had been submitted, as well as the fact that the applicant had not been at work at the time of either offence. They noted the recent offence, whilst serious, had been of a nature capable of being adequately dealt with by the Magistrates Court (rather than the Crown Court) and that the applicant had been honest about his previous history. The committee had taken into account the safety of members of the public and felt that there was no risk to public safety. However, given the nature of the recent offence and the important to public safety of the licensing office being notified promptly of motoring offences and penalties, the committee believed it appropriate for a further DVLA and Enhanced DBS check to be carried out in 12 months' time to provide an additional safeguard for public safety.

It was **RESOLVED** to:-

- 1) Grant the renewal for the full period; and
- 2) Ask public protection officers to conduct a DVLA and DBS check after 12 months at the applicant's expense and to send a hard copy of the Green Book to the applicant.

(The applicant and the public protection licensing adviser were readmitted to the meeting and informed of the subcommittee's decision. The applicant was informed of his right to appeal within 21 days of receipt of written notification of the decision.)

CHAIR