



Regulatory Subcommittee

14:00 to 17.00

14 June 2021

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

Apologies: Councillor Brociek-Coulton

1. Declarations of Interest

There were no declarations of interest.

2. Exclusion of the Public

RESOLVED to exclude the public from the meeting during consideration of items 3-4* below on the grounds contained in paragraphs 1 and 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972, as amended.

3*. APPLICATION FOR RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE – CASE NUMBER 2000287 HACKV

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

The Chair introduced the members of the panel and officers present. The licence holder confirmed that he had received a copy of the report and appendices. The licence holder confirmed that he had been advised that he could have legal representation at the meeting but considered that it was not necessary. He said that he was not a private hire licence holder but a Hackney carriage operator and the current legislation in the report should be Section 60 of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Officer presented the report.

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

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

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

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

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

RESOLVED to -

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

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

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

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

The Licensing Officer presented the report.

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

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

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

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

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

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

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

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

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

RESOLVED to :-

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

CHAIR