



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