



Regulatory Subcommittee

14:05 to 15:30

12 December 2022

Present: Councillors Stutely (Chair), Catt, Peek and Schmierer

Apologies: Councillor Sands (S)

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 item *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 the grant of a private hire drivers licence: application ref 22/02037/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 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 chair referred to the reference the applicant had brought with him from the taxi company he proposed to work for and advised this had been circulated to members of the committee.

The public protection licensing adviser presented the report.

The applicant answered questions from members in relation to his convictions in April 2021 and provided detail surrounding the circumstances. The chair queried why the applicant had not declared his offences when he sought to make his application. The applicant advised that he mentioned his offences when he submitted his application in person and was advised to complete nil on the form and that a note would be made by the officer receiving the application.

In reference to his offences the applicant detailed the circumstances surrounding these. The chair summarised that the offences related to the applicant taking his

wife to hospital and the applicant confirmed this was the case. The applicant advised that he understood this was not an excuse but did provide mitigation.

He regretted his decision and advised it had had a big financial and psychological impact on his family.

In response to a question as to why he had failed to inform the council of his convictions the applicant advised that he had rung the council several times but could not get through to the licensing department. The applicant had completed the application in person with a licensing officer and was advised to put nil on the form and that a note would be made regarding his convictions. The legal advisor to the committee sought clarity from the applicant as to whether he had advised the council of his offences.

The applicant strongly refuted the claim that he had not declared his offences he countered that it would be illogical not to declare his offences on the form and then to declare in interview. A member noted that the application form was signed the same date as the applicant's interview with the licensing department. The chair asked the licensing advisor if it was possible that the applicant had been advised to complete the form with nil and that a note would be made by the officer on the application. The licensing advisor confirmed that this could be possible.

In response to a member question the applicant advised that he had tried to find different solutions on the date of his convictions to get home but nothing was available. A member asked since the offence how the applicant's behaviour had changed. The applicant became distressed when he referred to the shame he felt at this convictions.

(The meeting was adjourned for a short break at this point)

The chair asked the applicant why committee should make an exception and grant his application. The applicant stressed that he was not driving as a taxi at the time of his conviction, it was in lockdown and there were exceptional circumstances in that his wife had a medical emergency. Apart from the two convictions garnered on the same night he had been driving a long time without any issues.

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

Members discussed the merits of granting the private hire drivers licence. Committee accepted the evidence that the offences related to a particular event and were unlikely to be repeated. Committee were concerned to ensure any convictions were declared and agreed to grant the licence on condition that a DVLA and DBS check be completed after 12 months at the applicant's expense.

It was **RESOLVED** to grant the private hire drivers licence for the full period on condition that a DVLA and DBS check are conducted after 12 months at the applicant's expense.

(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