



## Regulatory Subcommittee

14:00 to 16:00

21 November 2022

Present: Councillors Huntley (chair), Brociek-Coulton, Grahame and Kidman

### 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 to 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 the grant of a private hire drivers licence: application ref 22/01868/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 applicant advised he had not read the report. The applicant was then provided with a copy of the report, and this was read out fully by the public protection licensing adviser in her presentation.

The public protection licensing adviser presented the report.

The applicant answered questions from members in relation to his caution in April 2019 and provided detail surrounding the circumstances and the stresses he had been suffering from at the time relating to his immigration status.

He assured committee this was a one off matter and that he had been young and foolish. He was now in a relationship and had a baby on the way and wanted a permanent job to support his family.

The applicant answered questions from members in relation to the offence in November 2019. Committee noted that the offence took place in May 2019

although the date of the conviction was November 2019. The applicant referred to the stresses he had been under at that time and advised that these triggers no longer applied due to his changed situation.

A member asked for details surrounding the applicant's speeding offence in January 2019. The applicant advised that he was caught by a camera travelling at 34mph in a 30mph zone. He advised that he had a friend in the car and had sped up after passing through traffic lights. He had been influenced by peer pressure and regretted his actions. The chair noted if the applicant were granted a licence he might have a passenger in the car who encouraged him to speed and asked how he would respond. The applicant advised he would not risk losing his licence and would tell the passenger it was his job to get him to his destination safely.

The applicant confirmed in response to a member question that he had been driving without incident for the last three years. The applicant emphasised that he had a good work history and could provide references from his current and previous employers stating this.

The chair noted the applicant had said in relation to his caution in April 2019 that it was a one off event but he had been caught committing a similar offence in May 2019. The applicant advised that he had responsibility now and again referred to his good work history.

A member asked the applicant why he had not read the committee report, he advised it had been sent to his family's address but he had been staying with his girlfriend. He advised that his family address was his permanent home where he could be contacted.

In response to questions from the legal advisor to the committee, the applicant advised that he was driving a car at the time of his April 2019 caution and that he did not have a passenger with him. In reference to the May 2019 offence with a November 2019 conviction date, the applicant confirmed he was in a car and had no passengers with him. The legal advisor summarised that the applicant had been stopped by the police due to a problem with his car lights in April 2019 and asked why he was stopped in May 2019. The applicant could not recall.

(The applicant 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. Committee noted the speeding incident was an isolated event of speeding over three years ago. Members were concerned in relation to the offences in April and May 2019 but noted the emotional triggers for this had now been resolved following the receipt of residency papers and an increase in maturity. Members were concerned over the lack of clarification from the applicant regarding those offences but considered on balance that he passed the fit and proper person test.

It was **RESOLVED** to grant the application.

(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 drivers licence: case number 22/00746/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 legally represented. The applicant also confirmed that there were no pending court cases against him and that he had received the committee report.

The public protection licensing adviser presented the report.

Members noted that the address on the application was different to that on the applicant's driving licence. The applicant confirmed that the address on his renewal application was correct and he needed to update the address on his driving licence.

Members asked if the applicant had understood the online application form because it was not completed and he had not disclosed his offence. The applicant advised he had a friend help him but struggled with online forms.

The applicant answered questions from members on the context of the offence detailed in the report of using a vehicle uninsured. The applicant advised that he was test driving his friend's car and considered that he was insured as he had fully comprehensive insurance on his own car. The applicant thought because he had fully comprehensive insurance he was covered as a third party driver to drive his friend's car. The applicant was stopped by the police whilst out on the test drive and was told he was not insured.

The applicant had checked with his insurer and the law had changed and he was required to specifically add in the option to drive other cars as a third party. He emphasised that at the time his understanding was that he was insured. In response to member questions the applicant advised he drove a company vehicle which he rented on a weekly basis and he was covered under his company's insurance. Members wished to see evidence that the applicant was appropriately insured.

In response to member questions the applicant confirmed that he had not read the 'green book', which covered rules for taxi drivers, he advised that if the application to renew his licence was granted then he would read this. In response to a question from the chair the applicant confirmed that he had been a taxi driver since 2016. The chair was concerned that this was a long time to be driving without reading the rules.

The chair queried the applicant's change of name on his renewal application in 2019 and noted he had returned to his former name on this renewal application. The applicant advised that he had returned to using his full name and that he had not used any other names.

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

Members discussed the merits of renewing the private hire drivers licence. Committee were concerned that the applicant had not read the green book.

Committee accepted the applicant's explanation as to why the offence had occurred and that it was not a deliberate act but one arising from ignorance of a change in the law. Committee applied its guidelines and noted it was a single incident and the applicant had been driving a long time without any other incident of concern having arisen. Committee felt that on balance the applicant met the fit and proper person test. Committee were concerned to ensure the applicant had appropriate insurance and determined to grant the renewal on the condition that he provide evidence of his insurance to the licensing department within the next seven working days.

It was **RESOLVED** to grant the renewal for the full period on condition that evidence of the applicant's insurance be provided to the licensing department within the next seven working days.

(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