NORWICH City Council

Minutes

Regulatory Subcommittee

14:00 to 15:40 **8 January 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 licencing 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