



Regulatory Subcommittee

14:00 to 15:30

9 March 2020

Present: Councillors Stutely (chair), Fulton-McAlister (E) and Oliver
(substitute for Councillor Ryan)

Apologies: Councillors Brociek-Coulton, Grahame and Ryan

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 and *6 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 numbers
19/01874/PHDRIV**

(The applicant, the public protection licensing advisor and the public protection team leader were admitted to the meeting. The applicant produced his DVLA licence for inspection by the committee. A copy of the report was provided to the applicant at the meeting.)

The applicant explained the circumstances of the convictions against him and answered member's questions. He understood he was able to seek legal representation and have a representative attend with him. The applicant advised he had no pending matters outstanding.

(The applicant, the public protection licensing advisor and the public protection team leader left the meeting at this point.)

The subcommittee considered the circumstances surrounding the convictions against the applicant and the council's conviction policy. The committee reviewed the evidence and did not speculate on information they did not have and considered the applicant passed the fit and proper person test.

RESOLVED, unanimously, to renew private hire drivers licence: case number 19/01874/PHDRIV

(The applicant, the public protection licensing advisor and the public protection team leader were admitted to the meeting. The chair informed the applicant of the subcommittee's decision and listed the reasons for the decision as minuted above. The legal advisor advised the applicant that he would receive written notification of the subcommittee's decision. The applicant, the public protection licensing advisor and the public protection team leader then left the meeting.)

***4. Application for renewal of a private hire drivers licence – application ref: 20/00427/PHDRIV**

(The public protection licensing advisor and the public protection team leader were admitted to the meeting.)

The public protection team leader advised that the applicant made an application to renew his private hire driver's licence in April 2019 and subsequently failed to provide the following documentation to support his application:

- Completed DBS application form
- Copy of DVLA licence
- Completed mandate to check his DVLA driving record
- Medical certificate completed by his GP

The licensing department had written to the applicant twice requesting the information required to process his application. The applicant had been invited to attend committee but had not responded and had not attended the meeting.

(The public protection licensing advisor and the public protection team leader left the meeting at this point.)

The subcommittee considered that they could not determine if the applicant was a fit and proper person, the applicant had not attended the meeting and had failed to provide the necessary information to consider his application.

RESOLVED, unanimously, to refuse the renewal of private hire drivers licence to the applicant (application reference 20/00427/PHDRIV) as the committee considered that the applicant had not provided the necessary information to demonstrate that he satisfied the test of being a fit and proper person to hold such a licence under s51 LG(MP)Act 1976.

(The public protection licensing advisor and the public protection team leader were readmitted to the meeting. The chair informed officers of the subcommittee's decision. The legal adviser asked the licensing department to write to the applicant to advise of the subcommittee's decision and of his right to appeal to the Magistrates' court within 21 days of receipt of the written notification. If the applicant chose not to appeal, he could apply again for a licence in the future).

***5. Application for renewal of a private hire drivers licence – application ref: 19/00448/PHDRIV**

(The public protection licensing advisor and the public protection team leader were admitted to the meeting.)

The public protection team leader advised that the applicant made an application to renew his private hire driver's licence in February 2019 and subsequently failed to provide the following documentation to support his application:

- Disclosure certificate from the DBS

The licensing department had written to the applicant thrice requesting the information required to process his application. The applicant had been invited to attend committee, responded to confirm his attendance but had not attended the meeting.

(The public protection licensing advisor and the public protection team leader left the meeting at this point.)

The subcommittee considered that they could not determine if the applicant was a fit and proper person, the applicant had not attended the meeting and had failed to provide the necessary information to consider his application.

RESOLVED, unanimously, to refuse the renewal of private hire drivers licence to the applicant (application reference 19/00448/PHDRIV) as the committee considered that the applicant had not provided the necessary information to demonstrate that he satisfied the test of being a fit and proper person to hold such a licence under s51 LG(MP)Act 1976.

(The public protection licensing advisor and the public protection team leader were readmitted to the meeting. The chair informed officers of the subcommittee's decision. The legal adviser asked the licensing department to write to the applicant to advise of the subcommittee's decision and of his right to appeal to the Magistrates' court within 21 days of receipt of the written notification. If the applicant chose not to appeal, he could apply again for a licence in the future).

***6. Application for renewal of a hackney carriage drivers licence – application ref: 18/01543/HACKD**

(The public protection licensing advisor and the public protection team leader were admitted to the meeting.)

The public protection team leader advised that the applicant made an application to renew his hackney carriage driver's licence in October 2018 and subsequently failed to provide the following documentation to support his application:

- Medical certificate completed by his GP

The licensing department had written to the applicant thrice requesting the information required to process his application. The applicant had been invited to attend committee. He had responded by email the morning of the meeting and stated that he was unable to attend as he had a full time job which he could not get time off from. He had requested leniency and advised he would provide a medical certificate at a later date.

(The public protection licensing advisor and the public protection team leader left the meeting at this point.)

The subcommittee considered the request for leniency from the applicant and noted that the notification of non-attendance at committee was emailed the morning of committee and the applicant had not attempted to arrange an alternative time to attend committee. The subcommittee considered that they could not determine if the applicant was a fit and proper person, the applicant had not attended the meeting and had failed to provide the medical certificate necessary to consider his application.

RESOLVED, unanimously, to refuse the renewal of hackney carriage drivers licence to the applicant (application reference 18/01543/HACKD) as the committee considered that the applicant had not provided the necessary information to demonstrate that he satisfied the test of being a fit and proper person to hold such a licence under s51 LG(MP)Act 1976.

(The public protection licensing advisor and the public protection team leader were readmitted to the meeting. The chair informed officers of the subcommittee's decision. The legal adviser asked the licensing department to write to the applicant to advise of the subcommittee's decision and of his right to appeal to the Magistrates' court within 21 days of receipt of the written notification. If the applicant chose not to appeal, he could apply again for a licence in the future).

CHAIR