



Regulatory Subcommittee

14:00 to 16:00

10 October 2022

Present: Councillors Stutely (chair), Catt, Davis, Driver (substitute for Councillor Fulton-McAlister (E))

Apologies: Councillor Fulton-McAlister (E)

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 to 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 22/00506/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 had received the report and 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 public protection licensing adviser presented the report.

The applicant answered questions from members on two incidences of speeding that had occurred within a 12 month period. He explained why he had not informed the licensing department of the motoring offences within the seven days as required in the 'Green Book'. The applicant said that he had not understood that he was required to report the offences.

The applicant explained that in relation to the first instance of speeding he was not working as a taxi driver at the time. In relation to the second incident of speeding he was working as a taxi driver but had no passengers in the car at the time.

The applicant in response to a question from the chair said that he had struggled to submit his online renewal and had misunderstood the application form.

A member asked the applicant if he took his Green Book to work and the applicant stated that he did not have a copy. The public protection licensing adviser confirmed the book would have been signed for by the applicant when he made his application.

The applicant said he was first licenced in 2015 and had not had to appear before committee in this time.

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

Members discussed the merits of renewing the private hire driver's licence. In their view the applicant had an otherwise clean record, having worked as a taxi driver licensed by Norwich City Council for a number of years. The applicant had also not been carrying passengers at the time of either offence. The committee were of the opinion that the applicant met the 'fit and proper person' test, having taken into account the safety of members of the public and believing that there was no risk to public safety. Given the importance to public safety of the licensing office being notified promptly of motoring offences and penalties, the committee believed it appropriate for a further DVLA check to be conducted against the applicant's records in 12 months' time.

It was **RESOLVED** to:-

- 1) Grant the renewal for the full period; and
- 2) Ask public protection officers to conduct a DVLA check after 12 months and to send a hard copy of the Green Book to the applicant.

(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.)

***4. Application for renewal of a private hire drivers licence: case number 22/00746/PHDRIV**

(The public protection licensing adviser was admitted to the meeting.)

The applicant failed to attend the meeting and the case was deferred to the next meeting at the request of the applicant.

It was **RESOLVED** to defer consideration of the matter to the next regulatory subcommittee meeting on 14 November 2022.

***5. Application for renewal of a hackney carriage drivers' licence: case number 22/00012/HACKD**

(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 public protection licensing adviser presented the report.

The applicant expressed regret at the two convictions which had brought him to committee and explained the circumstances surrounding these.

In response to a question from the chair the applicant said that at the time of the incident he was concerned with paying his fine and neglected to tell the council as the licensing authority of his conviction. However, he had declared the conviction on his renewal applications.

In response to a member question the applicant admitted he had pleaded guilty to the offence.

In response to member questions regarding the second conviction, the applicant advised that he was driving a private car and had been caught by average speed cameras travelling above the speed limit.

The applicant said he had been a Norwich City Council taxi driver for over 10 years and he knew the rules and always followed them. The applicant also confirmed in response to a member's question that the address on his driver's licence needed updating as he had recently moved address.

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

Members discussed the merits of granting the hackney carriage driver's licence. The committee felt that on balance the applicant had met the fit and proper person's test. The committee also noted that he had shown remorse for the circumstances that led to his convictions and had previously held a licence without incident for ten years. Given the importance to public safety of the licensing office being notified promptly of motoring offences and penalties, the committee believed it appropriate for a further DVLA check to be conducted against the applicant's records in 12 months' time. The applicant's address records should also be updated.

It was **RESOLVED** to:-

- 1) Grant the renewal for the full period; and
- 2) Ask public protection officers to conduct a DVLA check after 12 months and to send a hard copy of the Green Book to the applicant; and

- 3) Ask public protection officers to check the licensing authority held the correct address for the applicant.

(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.)

***6. Application for renewal of a private hire drivers licence: case numbers 22/00260/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 had received the report and 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 presented further information in the form of four character references which were circulated to members of the committee.

Councillor Driver declared that he knew an author of one of the character references but he did not consider that it pre-determined him in anyway.

The public protection licensing adviser presented the report.

The applicant answered questions from members on the context of the incident outlined in the report.

In response to a question from the chair, the applicant advised he had regretted his actions immediately and had tried to speak to the neighbour to clear the air. He had pleaded guilty to the offence. He no longer took on night time driving jobs and instead worked on school runs.

In response to a question from the legal adviser to the committee the applicant confirmed the offence had been dealt with by the Magistrate's Court.

The applicant explained why he had not informed the licensing department of the offence within the seven days as required in the 'Green Book'. The applicant said that he thought he had a month to report the offence. In response to a question from the chair the applicant advised that he held a copy of the Green Book but had changed cars and it was not in his current vehicle.

The applicant said he had been driving as a Norwich City Council taxi driver for 21 years and had been a taxi driver for 24 or 25 years in total. He had been to committee once before.

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

Members discussed the merits of renewing the private hire driver's licence. The committee felt that the driver had met the fit and proper person's test. The committee noted that he had shown remorse for the circumstances that led to his convictions and had previously held a licence without incident for over twenty years.

The committee considered the four positive character references for the applicant which had been submitted, as well as the fact that the applicant had not been at work at the time of either offence. They noted the recent offence, whilst serious, had been of a nature capable of being adequately dealt with by the Magistrates Court (rather than the Crown Court) and that the applicant had been honest about his previous history. The committee had taken into account the safety of members of the public and felt that there was no risk to public safety. However, given the nature of the recent offence and the important to public safety of the licensing office being notified promptly of motoring offences and penalties, the committee believed it appropriate for a further DVLA and Enhanced DBS check to be carried out in 12 months' time to provide an additional safeguard for public safety.

It was **RESOLVED** to:-

- 1) Grant the renewal for the full period; and
- 2) Ask public protection officers to conduct a DVLA and DBS check after 12 months at the applicant's expense and to send a hard copy of the Green Book to the applicant.

(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