



Regulatory Subcommittee

14:00 to 15:45

10 February 2020

Present: Councillors Stutely (chair), Maxwell, McCartney-Gray, Oliver (item *4 onwards) and Schmierer

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 *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 renewal of a private hire drivers licence: case numbers 19/01617/PHDRIV**

(The applicant, the licensing assistant 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 endorsements 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 legal advisor noted that the report stated the applicant had failed to declare his convictions to the council but that he had no convictions which required declaring within the Green Book rules.

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

The subcommittee considered the circumstances surrounding the endorsements against the applicant. The committee reviewed the evidence and did not speculate on information they did not have.

RESOLVED, unanimously, to renew private hire driver's licence: case number 19/01617/PHDRIV

(The applicant, the licensing assistant 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 licensing assistant and the public protection team leader then left the meeting.)

(Councillor Oliver joined the meeting at this point)

***4. Application for renewal of a hackney carriage driver's licence – application ref: 19/01465/HACKD**

(The applicant, the licensing assistant 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 chair asked the applicant why he had failed to disclose his convictions to the council as he was obliged to. The applicant stated that he had emailed and produced a screen shot print out of an email. The licensing assistant advised there was no record of an email being received.

It was noted that the applicant had been before committee on 10 June 2019 and members had reviewed the report and minutes of that meeting. It was noted that the caution relating to this incident was still shown on the applicant's full disclosure list. The applicant advised in June that the caution was not valid and would be removed. The applicant advised that he did not know that he was required to do anything in order to have the caution removed. The chair advised he recalled the discussion from June's committee and the applicant had advised that this would be actioned.

Regarding the applicant's convictions the legal adviser asked if he pleaded guilty at court and the applicant confirmed he had, the legal adviser asked if he accepted he had not notified the council of his convictions or his change of address within the required seven day period which the applicant accepted he had not.

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

The committee considered the applicant had not declared his two convictions to the council as required to by his licence. The committee considered the council's conviction policy and took account of the committee report and minutes from the June 2019 committee.

The subcommittee considered the circumstances surrounding the convictions against the applicant. The committee reviewed the evidence and did not speculate on information they did not have.

RESOLVED, unanimously, to refuse the renewal of Hackney Carriage driver's licence to the applicant (application reference 19/01465/HACKD) as the committee considered that the applicant did not satisfy the test of being a fit and proper person to hold such a licence under s51 LG(MP)Act 1976.

(The applicant, the licensing assistant and the public protection team leader were readmitted to the meeting. The chair informed the applicant of the subcommittee's decision. The legal adviser advised the applicant that he would receive written notification 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).

(On being told of the decision the applicant shouted at members of the committee, he said his treatment by the committee was "double standards" and shouted "shame" repeatedly at members. The committee officer asked the applicant to leave and he left still shouting.)

CHAIR