



Regulatory Subcommittee

14:00 to 16:40

8 August 2022

Present: Councillors Stutely (chair), Catt, Kidman, Peek, Schmierer

Apologies: None

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 5* 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 vehicle licence – application ref – 21/00565/PHVEH

(This was taken first)

(The applicant, the public protection licensing adviser and the public protection licensing assistant 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 the incidences of speeding and why he had not informed the licensing department of the motoring offences within the seven days that were required in the 'Green Book'. The applicant said that he was not aware of the requirement to inform the council of motoring offences within that time period.

(The committee adjourned several times between 2:10pm and 2:35pm to seek advice on the policy wording at the time of the offences.)

The committee confirmed that the 'Green Book' wording had been ambiguous at the time of the offences and had not included direct reference to motoring offences. The updated policy had been adopted in January 2020.

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

Members discussed the merits of renewing the private hire driver's licence. In their view the failure to declare the speeding offences had been due to the wording of the policy which had not included reference to motoring offences. The incidences had not occurred while passengers were in the vehicle and no further motoring offences had occurred in the three years since the date of the last offence. The committee also noted that the incidences had occurred late at night and the number of points was at the lower end of the points given for speeding offences.

It was **RESOLVED** to:-

- 1) Grant the renewal for the full period; and
- 2) Remind the applicant to read the Green Book and if he had any questions to contact public protection officers.

(The applicant, the public protection licensing adviser and the public protection licensing assistant were readmitted to the meeting and informed of the subcommittee's decision)

(The meeting was adjourned from 2:45pm to 3pm.)

***4. Application for grant of a private hire drivers licence 22/01178/PHDRIV**

(This item was taken next)

Additional papers comprising two letters from the applicant's solicitor, a notice of fixture from the Crown Court and a character reference from the applicant's private hire operator were circulated by the applicant and read by all parties. .

(The applicant, the public protection licensing adviser and the public protection licensing assistant were admitted to the meeting.)

The chair welcomed the applicant. The committee confirmed the applicant's identity using a photocopy of 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 team leader presented the report.

The applicant detailed how the incident had occurred and the offences that he had been charged with.

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

Members discussed the merits of refusing to grant the private hire driver's licence. They considered that the applicant had, on balance, not met the fit and proper person test. The committee took note of the additional papers circulated by the

applicant and considered the nature of the incident. The committee also gave regard to the council's policy which suggests that someone with the specific type of conviction presented would not normally be granted a licence.

(The applicant, the public protection licensing adviser and the public protection licensing assistant were readmitted to the meeting and informed of the subcommittee's decision)

RESOLVED, unanimously, to refuse the application for the grant of a private hire driver's licence, 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 of the Local Government (Miscellaneous Provisions) Act 1976.

(The applicant was informed of his right to appeal the decision to the Magistrates' Court and that this must be done within 21 days of being notified, in writing, of the decision.)

***5. Application for the renewal of a private hire drivers licence: case numbers 22/00254/PHDRIV**

As the applicant was not present the committee:

RESOLVED to defer this item to a future meeting of the regulatory subcommittee.

***6. Application for the renewal of a hackney carriage licence: case numbers 22/0189/HACKD**

As the applicant was not present the committee:

RESOLVED to defer this item to a future meeting of the regulatory subcommittee.

CHAIR