



REGULATORY SUB COMMITTEE

2.30pm to 4.55pm

16 June 2014

Present: Councillors Button (chair), Barker, Henderson and Maxwell (substitute for Councillor Gihawi)

Apologies: Councillors Bogelein and Gihawi

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. EXCLUSION OF PUBLIC

RESOLVED to exclude the public from the meeting during consideration of items 3 to 12 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 DRIVER'S LICENCE CASE NO 14/00443/PHDRIV (PARAS 1 & 3)

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his conviction for exceeding the statutory speed limit on a public road which he had received on 15 February 2013. He explained that he had failed to disclose the council of this conviction in accordance with condition 12 of the conditions attached to a Norwich City Council private hire driver's licence because of an oversight.

The applicant said that he had not received the letter requesting him to attend the licensing sub- committee meeting held on 12 May 2014. He confirmed that he was still at the same address as in May and that it was rented accommodation.

The licensing manager said that a letter had been sent to the applicant on 30 April 2014.

The applicant then explained the circumstances surrounding his previous convictions received on 22 August 2011 and 29 May 2012.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

RESOLVED, unanimously, to renew the private hire driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair reminded the applicant that it was his responsibility to ensure that he complied with the conditions attached to his licence and paid attention to the Green book. The licensing manager undertook to ensure that the applicant had an up-to-date version of the Green book. The applicant then left the meeting.)

***4. APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE
CASE NO 14/00401/PHDRIV (PARAS 1 & 3)**

RESOLVED, given the applicant's non-attendance, to defer consideration of this application to the end of the meeting.

***5. APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE
CASE NO 14/00576/PHDRIV (PARAS 1 & 3)**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending.)

The licensing manager presented the report.

The applicant explained that he had not attended the meeting on 12 May 2014 because he was unwell and his mother had contacted the council on his behalf.

The applicant explained the circumstances surrounding his conviction for exceeding the statutory speed limit on a public road which he had received on 21 December 2013. The applicant could not recall the details of his conviction 3 November 2009. He also referred to his personal circumstances and the circumstances surrounding his previous convictions received on 7 April 2012 and 19 July 2012.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

RESOLVED, unanimously, to renew the private hire driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair reminded the applicant that he would need to drive more carefully and that if he received further points he would lose his driving licence. The applicant was also advised to notify the licensing authority if he changed address.)

***6. APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE
CASE NO 14/00367/PHDRIV (PARAS 1 & 3))**

RESOLVED, given the applicant's non-attendance, to defer consideration of this application to the end of the meeting.

***7. APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE
CASE NO 14/00958/PHDRIV (PARAS 1 & 3)**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his conviction for exceeding the statutory speed limit on a public road which he had received on 27 February 2013, 16 March 2013 and 12 August 2013. He explained that he had failed to disclose the council of these three convictions in accordance with condition 12 of the conditions attached to a Norwich City Council private hire driver's licence because of an oversight. He explained the circumstances of his previous convictions held on 3 July 2010 and his personal circumstances, and that he had obtained the "knowledge".

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

RESOLVED, unanimously, to renew the private hire driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair reminded the applicant that it was his responsibility to ensure that he complied with the conditions attached to his licence and paid attention to the Green book. The licensing manager undertook to ensure that the applicant had an up-to-date version of the Green book and the

applicant would receive a written warning that he must comply with condition 12. The applicant then left the meeting.)

***8. APPLICATION FOR RENEWAL OF A 3 MONTH PRIVATE HIRE DRIVER'S LICENCE CASE NO 14/00817/PHDRIV (PARAS 1 & 3)**

(The applicant attended the meeting for this item. The applicant said she had not received a copy of the report with the letter requesting her attendance at the sub-committee meeting. She confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. She produced his DVLA licence for inspection by the committee. She also confirmed that since the application form was completed, she had received no further convictions or cautions and that she had no matters pending.)

The licensing manager presented the report

The applicant explained the circumstances of her convictions received on 6 June 2010 and 28 May 2012 and her personal circumstances. In response to a member's question, the applicant explained that she had misunderstood the instructions on the application form and had not deliberately evaded disclosure of the convictions for exceeding the statutory speed limit on a public road. The licensing manager said that a copy of the Green book would be issued when the licence was granted.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

RESOLVED, unanimously, to grant the three month private hire driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The licensing manager confirmed that the applicant would receive a copy of the Green book.)

***9. APPLICATION FOR RENEWAL OF A HACKNEY CARRIAGE DRIVER'S LICENCE CASE NO 14/00690/HACKD (PARAS 1 & 3)**

(The applicant attended, accompanied by his prospective employer, the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending.)

The licensing manager presented the report.

The applicant explained the circumstances of his convictions received on 14 August 2012 for using a mobile phone while driving. He said that he had run a driving school and one of the drivers had been using one of his vehicles and exceeded a 60mph speed limit. He could not identify the driver and therefore had received the

conviction on 25 January 2013 for failure to provide information. He explained his personal circumstances and that he would have a guaranteed income from taxi driving for his new employer.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

RESOLVED, unanimously, to grant a Norwich City Council hackney carriage driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The licensing manager confirmed that the applicant would receive a copy of the Green book.)

***10. APPLICATION FOR RENEWAL OF A HACKNEY CARRIAGE DRIVER'S LICENCE CASE NO 14/01084/HACKD (PARAS 1 & 3**

(The applicant attended the meeting for this item. He said that his wife had been unable to attend the meeting because of childcare arrangements. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending.)

The licensing manager presented the report and referred to the appended report to a licensing subcommittee held on 20 May 2013.

The applicant explained the circumstances for the convictions received on 2 March 2012; and 17 July 2011 and 19 June 2012. The applicant said that he had learnt his lesson over the last two years. The licensing manager explained that the older convictions contained in the appended report were now considered "spent" and not relevant for consideration at this meeting. He also confirmed that the applicant had obtained successfully passed the hackney carriage drivers' test on 29 April 2014.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

RESOLVED, unanimously, in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application to:

- (1) grant the renewal of the private hire driver's licence for an initial period of 6 months in respect of this application;
- (2) delegate to the licensing manager the grant of a further 6 months subject to there being no further convictions or any other matters of concern;
- (3) sk the licensing manager to remind the applicant that a condition 12 of the licence is that he notifies the licensing authority of any convictions within 7 days of receipt.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The licensing manager confirmed that the applicant would receive a copy of the Green book.)

***11. APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE
CASE NO 14/00401/PHDRIV (PARAS 1 & 3)**

(This item had been deferred from earlier on in the meeting to allow time for the applicant to attend. The applicant having failed to attend and his non-appearance at the previous meeting of the subcommittee on 12 May 2014, the subcommittee took the decision to consider the application in his absence.)

The licensing manager presented the report and together with the legal advisor answered members' questions.

During discussion members considered that they were not able to be satisfied that the applicant was a fit and proper person to hold a private hire driver's licence and concluded that the statutory grounds for non-renewal contained in Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, "any other reasonable cause" had been made when taking into account the applicant's convictions received on 2 August 2013, 30 October 2012 and 14 July 2008. Members also noted that information regarding the applicant's current status in respect of cautions, further convictions or fixed penalty notices, matters of misconduct or similar issues was not available due to the applicant's failure to attend the committee and therefore not being present to respond to these points. Members also took into account the applicant's breach of the private hire vehicle drivers' licence conditions by failing to disclose his conviction dated 2 August 2013 at the relevant time.

RESOLVED to:

- (1) refuse the application to renew Norwich City Council Private Hire Driver's Licence in respect of this application, on the grounds contained in Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, namely "any other reasonable cause" for the reasons as minuted above;
- (2) ask the licensing manager to write to the applicant to inform him of the subcommittee's decision and advise him of his right of appeal against the decision of the subcommittee to the Magistrates' Court within 21 days from the date of the subcommittee meeting.

***12. APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE
CASE NO 14/00367/PHDRIV (PARAS 1 & 3)**

(This item had been deferred from earlier on in the meeting to allow time for the applicant to attend. The applicant having failed to attend and his non-appearance at the previous meeting of the subcommittee on 12 May 2014 or respond to the council's legal advisor's letter to the applicant dated 23 May 2014, the subcommittee took the decision to consider the application in his absence.)

The licensing manager presented the report and read out a letter received from the applicant.

During discussion members considered that they were not able to be satisfied that the applicant was a fit and proper person to hold a private hire driver's licence and concluded that the statutory grounds for non-renewal contained in Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, "any other reasonable cause" had been made when taking into account the applicant's convictions received on 30 November 2013, 2 October 2012 and 21 March 2009. Members also noted that information regarding the applicant's current status in respect of cautions, further convictions or fixed penalty notices, matters of misconduct or similar issues was not available due to the applicant's failure to attend the committee and therefore not being present to respond to these points. Members also took into account the applicant's breach of the private hire vehicle drivers' licence conditions by failing to disclose his convictions at the relevant time.

RESOLVED, given the applicant's non-attendance, and in the context of his letter to the subcommittee, to:

- (1) refuse the application to renew Norwich City Council Private Hire Driver's Licence in respect of this application, on the grounds contained in Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, namely "any other reasonable cause" for the reasons as minuted above;
- (2) ask the licensing manager to write to the applicant to inform him of the subcommittee's decision and advise him of his right of appeal against the decision of the subcommittee to the Magistrates' Court within 21 days from the date of the subcommittee meeting.

CHAIR