



## REGULATORY COMMITTEE

2.10 pm – 5.50 pm

21 February 2011

Present: Councillors Driver (Chair), Dylan, Gihawi, Jeraj and Thomas

**1. APPLICATION FOR RENEWAL OF LICENCE TO PLACE TABLES AND CHAIRS ON THE HIGHWAY – GARDENERS ARMS PH TIMBERHILL, NORWICH**

(The applicant and members of the public attended the meeting for this item).

The council's solicitor presented the report and informed members that a letter had been received from the Norfolk Constabulary confirming that they had no objections to renewal of the licence, subject to positive feedback from the football unit. A copy of the letter was circulated at the meeting. The applicant commented on the background to the application.

A representative of a member of the public, addressed the committee drawing their attention to the definition of use under the section 115E Highways Act 1980 Licence and outlining their objections to the application. A copy of various photos showing the use of the licensed area was circulated at the meeting.

(Councillor Gihawi retired from the meeting at this point).

(The applicant and members of the public left the meeting at this point).

Following discussion it was:-

**RESOLVED**, with 3 members voting in favour (Councillors Dylan, Jeraj and Thomas) and 1 member voting in favour without amendment (Councillor Driver), to:

- (1) approve the application for renewal of the licence to place tables and chairs on the highway submitted in respect of Gardeners Arms PH, Timberhill, subject to:-

- (a) the standard conditions;

- (b) if the premises are open and the premises licence holder wishes to make use of the licence then the maximum number of tables and chairs noted on the licence shall be placed during the hours of operation of the licence and these shall be placed as evenly in the area marked on the plan attached to the licence as can be managed other than as necessary to allow unimpeded access to doorways; and
  - (c) all persons drinking beverages in the area marked on the plan attached to the licence shall be seated.
- (2) refuse the applicant's request to amend the wording to condition 10 of the licence.

(The applicant and members of the public were re-admitted to the meeting and informed of the decision minuted above before leaving the meeting.)

## **2. EXCLUSION OF PUBLIC**

**RESOLVED** to exclude the public from the meeting during consideration of item \*3 below on the grounds contained in paragraphs 1 and 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972.

(Councillor Dylan retired from the meeting at this point)

### **\*3. SUSPENSION/REVOCATION OF NORWICH CITY COUNCIL DRIVERS LICENCE NO. 10/01708/HACKD - CASE NO. 16/31/3/755 (PARAGRAPHS 1 AND 3)**

(The licence holder 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).

The council's solicitor presented the report. In reply to a question the applicant said that he had not received any further convictions or formal cautions and was not aware of any pending prosecutions since his conviction. He then answered detailed questions about the circumstances of his convictions on 22 August 2010 for failing to comply with traffic light signals and 21 May 2010 for driving without due care and attention.

(The licence holder left the meeting at this point).

Following a discussion it was -

**RESOLVED**, unanimously, to take no action to suspend or revoke the Norwich City Council driver's licence.

(The licence holder was re-admitted to the meeting and informed of the decision minuted above. The Chair advised that the committee had the power to revoke, suspend or refuse to renew the licence in the future if his conduct was not up to the standard expected of a licence holder).

(Due to the long duration of the meeting, consideration of the remaining items was deferred to a future regulatory sub-committee).

CHAIR