



REGULATORY SUB COMMITTEE

2pm – 7.10pm

21 November 2011

Present: Councillors Sands (S) (Chair), Kendrick (sub for Councillor Driver),
Stammers, Stephenson, Thomas

Apologies: N/a

1. APPOINTMENT OF CHAIR

RESOLVED to appoint Councillor Sands (S) as chair for the meeting.

2. APPLICATION FOR THE GRANT OF A LICENCE TO PLACE TABLES AND CHAIRS ON THE HIGHWAY – THE GARDENERS ARMS PH, 2-4 TIMBERHILL, NORWICH

(The applicant, the co-owner and their solicitor and members of the public attended the meeting for this item).

The senior licensing officer presented the report and the applicant's solicitor commented on the background to the application.

The committee also heard from an objector as well as his barrister, drawing their attention to breaches of the current tables and chairs licence as well as the noise nuisance and disturbance caused. Other members of the public disputed the level of noise nuisance and disturbance caused and spoke in support of the application which they considered would continue to encourage an increased footfall in the area.

(The applicant, the co-owner, their solicitor, the senior licensing officer and members of the public left the meeting at this point).

Following discussion it was:-

RESOLVED unanimously:

- 1) that the main issue of noise of persons outside the pub drinking was not felt to be a nuisance;
- 2) the committee noted the breaches of the licensing conditions but that these were not serious enough to justify refusal of the application;

- 3) to therefore approve the application for the grant of a licence to place tables and chairs on the highway submitted in respect of The Gardeners Arms PH, 2-4 Timberhill, Norwich and that:
- a. the entrances to the application premises shall not be included within the area licensed for tables and chairs;
 - b. the licence be subject to the adopted standard conditions and the following additional conditions:
 - i. 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 in the licensed area during the hours of operation of the licence;
 - ii. barriers will not be required to be provided around the entrances of the premises.

(The applicant, the co-owner, their solicitor, the senior licensing officer and members of the public were readmitted to the meeting and informed of the decision minuted above).

3. EXCLUSION OF PUBLIC

RESOLVED to exclude the public from the meeting during consideration of Item *4 below on the grounds contained in paragraphs 1 and 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972.

***4. APPLICATION FOR THE GRANT OF A 3 MONTH PRIVATE HIRE DRIVER'S LICENCE - CASE NO 16/31/3/753 (PARAGRAPHS 1 AND 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).

The licensing manager 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 he had completed his application form.

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

Following a discussion it was -

RESOLVED with four members in favour (Councillors Sands (S), Stammers, Stephenson and Thomas) and one member against (Councillor Kendrick) to consider the 'older convictions'.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above).

The applicant answered detailed questions about the circumstances of his older convictions on 3 March 1997 and 11 April 1997. He then answered detailed questions about the circumstances of his convictions on 18 October 2006 for two offences of threats to kill and 6 October 2008 for pursuing a course of conduct which amounted to harassment.

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

Following a discussion it was -

RESOLVED with three members voting in favour (Councillors Sands (S), Stammers and Stephenson) and two members voting against (Councillors Kendrick and Thomas) to grant the private hire driver's licence 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 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).

CHAIR