



## **Licensing committee**

**Date:** Thursday, 03 December 2015

**Time:** 16:30

**Venue:** Mancroft room, City Hall, St Peters Street, Norwich, NR2 1NH

### **Committee members:**

#### **Councillors:**

Button (chair)  
Price (vice chair)  
Ackroyd  
Boswell  
Bradford  
Henderson  
Jones  
Maxwell  
Peek  
Ryan  
Schmierer  
Thomas (Vivien)  
Woollard

### **For further information please contact:**

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## Agenda

### Page nos

#### 1 Committee membership

To note that Councillor Coleshill has resigned from the licensing committee and Councillor Peek has been appointed to the vacancy.

#### 2 Apologies

To receive apologies for absence

#### 3 Public questions/petitions

To receive questions / petitions from the public (notice to be given to committee officer in advance of the meeting in accordance with appendix 1 of the council's constitution)

#### 4 Declarations of interest

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)

#### 5 Minutes

5 - 8

To agree the accuracy of the minutes of the meeting held on 4 June 2015.

#### 6 Local Government (Miscellaneous Provisions) Act 1976 - 9 - 18 Private hire vehicle licensing - standard conditions

**Purpose** - This report invites members to consider updating the current standard Norwich City Council private hire vehicle licence conditions.

#### 7 Town Police Clauses Act 1847 and Local Government 19 - 28

**(Miscellaneous Provisions) Act 1976 – Case of Exeter City Council vs Sandle – licence renewals**

**Purpose** - To inform member of the outcome of the above court case and consider the introduction of a late renewals policy.

**8      Standing item - Regulatory subcommittee minutes      29 - 44**

To receive the minutes of the regulatory subcommittee minutes held on 8 June 2015, 13 July 2015, 10 August 2015; 14 September 2015 and 12 October 2015.

Date of publication: **Wednesday, 25 November 2015**



**LICENSING COMMITTEE****16:50 – 17:35****4 June 2015**

**Present:** Councillors Button (chair), Price (vice chair following election) Ackroyd, Boswell, Bradford, Henderson, Jones, Maxwell, Price, Sands (M) (substitute for Ryan), Schmierer, Thomas (Vivien) and Woollard.

**Apologies:** Councillors Coleshill and Ryan

**1. Appointment of vice chair**

Councillor Ben Price was elected as vice chair.

**2. Declarations of interest**

No declarations of interest were received.

**3. Minutes**

**RESOLVED** to approve the minutes of the meeting held on 23 March subject to noting that councillor Gihawi was not present.

**4. Licensing Act 2003: Deregulation Act 2015 and the Legislative Reform (Entertainment Licensing) Order 2014**

The licensing manager advised members that the figure of 50021 under paragraph 5 of the report should read 500.

In response to a member's question, the licensing manager explained that this order was primarily aimed at community type events. He said that the change to live music regulations could lead to increased work for the environmental protection team in terms of noise nuisance; however, he said that an exemption from a live music licence did not mean exemption from noise nuisance.

He explained that in terms of personal licences, it was the duty of the court to suspend or revoke these in relation to any offences caused. If a personal licence was revoked by the court, the applicant cannot apply for another five years and would have to declare the revocation which in turn, would trigger a committee hearing.

**RESOLVED** to note the Deregulation Act 2015 and the Legislative Reform (Entertainment Licensing) Order 2014.

**5. Deregulation Act 2015 – amendments to the Local Government (Miscellaneous Provisions) Act 1976**

In response to a member's question, the licensing manager explained that the three month private hire drivers licence was initially brought in as there had been a shortage of private hire drivers. All private hire and hackney carriage applicants went through the same application process, including a knowledge test. As private hire vehicles had to be pre-booked, it was decided that a simpler knowledge test was not necessary.

He said that his main concern around the grant of a three year licence was the issue of declaring convictions. Currently, licenses were issued for twelve months and drivers had to produce their DVLA licence annually at renewal when any undeclared convictions would be picked up.

Allowing operators to sub-contract a job to another company outside of the district could be confusing for customers. The licensing manager said that clear communications would be needed with customers so that they are aware which taxi is theirs. It was suggested that some information be put onto the council's website to inform potential customers of these changes.

In response to a member's question, the licensing manager reminded members to report the licence numbers of any taxis that fell below their expectations of cleanliness or if the conduct of a driver fell below expected standards.

**RESOLVED** to:

- a) note the legislative changes,
- b) extend the current term for the grant or renewal of a hackney carriage drivers licence from one year to three years,
- c) extend the current term for the grant or renewal of a private hire drivers licence from one year to three years,
- d) delete the three month private hire driver's licence from the council's licensing portfolio,
- e) require applicants seeking to renew their licence to only produce a medical certificate and a Disclosure and Barring Service enhanced certificate on a three yearly basis in line with the expiry date of their licence,
- f) delegate to officers authorisation to set a revised licence fee for the grant and renewal of a hackney carriage and private hire drivers licence ; and
- g) include information on the council's website regarding the possible sub contraction of taxi bookings.

**6. Standing item – regulatory subcommittee minutes**

**RESOLVED** to receive the minutes of the regulatory subcommittee meetings held on held on 13 April 2015 and 11 May 2015.

CHAIR





**Report to** Licensing committee

**Item**

3 December 2015

**Report of** Head of citywide services

**6**

**Subject** Local Government (Miscellaneous Provisions) Act 1976 -  
Private hire vehicle licensing - standard conditions

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### **Purpose**

This report invites members to consider updating the current standard Norwich City Council private hire vehicle licence conditions.

### **Recommendation**

That members resolve to consider authorising the proposed changes to the private hire vehicle licence conditions as set out in the report.

### **Corporate and service priorities**

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function.

### **Financial implications**

None

**Ward/s:** All wards

**Cabinet member:** Councillor Driver - Neighbourhoods and Community Safety

### **Contact officers**

Tony Shearman, licensing manager

01603 212761

### **Background documents**

None

## Background

1. The licensing of private hire vehicles is regulated under the Local Government (Miscellaneous Provisions) Act 1976.
2. Section 48 of this Act sets out some of the requirements of licensed vehicles, including the ability of a district council to attach conditions to that licence. A copy of this section is attached at appendix A.
3. Norwich City Council has previously adopted a set of standard private hire vehicle licence conditions. A full copy of the current conditions, are attached at appendix B.

## Report

4. In order to protect some visible distinction between private hire and hackney carriages, no. 22 of the current private hire vehicle conditions states:-

*Any vehicle conforming to the standard specification for Hackney Carriages as from 1<sup>st</sup> November, 1984 shall not be used as a private hire vehicle*

5. Prior to 2009 the Norwich City Council hackney carriage specification referred to in this condition, restricted the type of vehicle that could be licensed as a hackney carriage, to the traditional 'London black cab' as manufactured by London Taxi Company and Metrocab.
6. In 2009 the Norwich City Council hackney carriage specification was updated to make allowance for alternative vehicles to be licensed. This was agreed by the regulatory committee on the 24 November 2009.
7. In order to reflect this update, members are asked to consider changing the wording of the current private hire vehicle licence standard condition no. 22 to the following:-

*Any vehicle conforming to the standard specification for Hackney Carriages as from 24 November 2009 shall not be used as a private hire vehicle*

8. In order to ensure a certain level of comfort and substance for private hire vehicles, the current standard conditions contain the following condition no. 19:-

*The vehicle shall not be less than 1400cc.*

9. Norwich City Council has recently been approached by a private hire operator who is looking to invest in adding some electric vehicles to his fleet, however at present any proposed electric vehicle or any hybrid vehicle with an engine smaller than the above requirement, would automatically fall foul of this condition.
10. In order make provision to allow appropriate electric and hybrid vehicles to be licensed, members are asked to consider altering the wording of the current condition no. 19 to:-

*The vehicle shall not be less than 1400cc, except for electric and hybrid vehicles.*

## **Summary**

11. The current private hire vehicle licence conditions are considered to be out of date in respect of condition no. 22, and restrictive to incorporating newer technologies in respect of condition no. 19. Therefore members are asked to consider the proposed minor amendments to the standard conditions as detailed in the report.



**48 Licensing of private hire vehicles.**

- (1) Subject to the provisions of this Part of this Act, a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied—

(a) that the vehicle is—

- (i) suitable in type, size and design for use as a private hire vehicle;
- (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- (iii) in a suitable mechanical condition;
- (iv) safe; and
- (v) comfortable;

(b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of **[F94Part VI of the Road Traffic Act 1988]**,

and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.

- (2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.



**CONDITIONS ATTACHED TO A PRIVATE HIRE VEHICLE LICENCE**

1. Throughout these conditions “proprietor” includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or a hire-purchase agreement, means the person in possession of the vehicle under that agreement.
2. In the event of the proprietor of a private hire vehicle changing his/her address he/she shall within fourteen days give notice in writing to the Director of Organisational Development and shall produce the vehicle licence at the office of the Director of Organisational Development to enable details of the new address to be endorsed thereon.
3. The licence shall be in force only whilst the vehicle has a current valid Test Certificate issued by the Norwich City Council.
4. The vehicle shall be kept in good order, the interior clean and the braking machinery efficient. There shall be an electric light fitted in the interior of the vehicle, in working order.
5. If any alteration is proposed to be made to any part of the vehicle the Director of Organisational Development shall be notified and consent obtained before any such alteration is carried out.
6. A fire extinguisher of an approved type must be, in satisfactory working order, shall be fitted to the vehicle at all times.
7. The floor of the vehicle shall be covered with a proper carpet, mat or other suitable covering.
8. The vehicle shall be equipped with a satisfactory arrangement for quickly replacing any punctured or damaged tyres and shall in any case carry a roadworthy spare wheel with fitted tyre.
9. The number of the licence shall be legibly marked:-
  - (i) inside the vehicle, on a card affixed to the vehicle, so as to be visible to passengers;
  - (ii) outside the vehicle on a yellow plate affixed vertically to the rear of the vehicle, on the opposite side to the exhaust and a reasonable distance above the ground.
10. There shall be displayed inside the vehicle a notice supplied by the Council stating to the effect that:-
  - (i) The vehicle is a private hire vehicle;
  - (ii) The vehicle may not be hailed in the street or boarded from a rank;
  - (iii) Fares cannot be controlled by the City Council and should be negotiated with the operator;
  - (iv) Any complaints should be referred to the City Council.

11. Signage identifying the vehicle is a Private Hire Vehicle, as approved by the Director of Organisational Development, shall be displayed on both rear doors of the vehicle.
12. The vehicle shall contain sufficient means by which the passenger may communicate with the driver, a watertight roof or covering and a means of opening and closing the windows.
13. The seats shall be properly cushioned or covered, fittings and furniture shall be kept clean and adequate for the convenience of persons conveyed therein and a means shall be provided for securing luggage.
14. If the vehicle is equipped with a taximeter, the same and all fittings thereof shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them, except by breaking, damaging or permanently displacing the seals or other appliances.
15. The vehicle may only be equipped with a taximeter of the type specified in the Council's Byelaws with respect to hackney carriages or such other type as may be approved by the Council from time to time.
16. Any sign or lettering displayed shall be non-illuminated and shall be confined to the nearside and offside front doors of the vehicle, and the words "taxi" or "cab" whether in the singular or plural or any word of similar meaning or appearance should not appear on any private hire vehicle even to denote the name of the firm concerned, except:
  - (a) as authorised by these conditions or any Act or Byelaw;
  - (b) a permanently fitted roof bar or permanently fitted roof sign with the wording "pre-booked only" back and front which must be clearly visible by day and night of a size and dimension approved by the Director of Organisational Development.
17. On initial licensing the vehicle shall not exceed 5 years of age.
18. The vehicle shall not be more than 10 years old unless passed by the Director of Organisational Development as in exceptionally good condition.
19. The vehicle shall not be less than 1400cc.
20. The number of passengers carried in the vehicle shall not exceed such number as that for which the vehicle is licensed and the number of such passengers shall be clearly marked upon the licence plate.
21. The seating capacity of the vehicle will be determined as follows:-
  - a. where separate seats for each person are provided one person shall be counted for each separate seat provided; and



- b. where the vehicle is fitted with continuous seats one person shall counted for each complete length of 16 inches measured in a straight line lengthwise on the front of each seat and where such continuous seat is fitted with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be folded back or otherwise put out of use such seat shall be measured for the purpose of this condition as if it had not been fitted with such arms.
- 22. Any vehicle conforming to the standard specification for Hackney Carriages as from 1<sup>st</sup> November, 1984 shall not be used as a private hire vehicle.
- 23. The licence shall be revocable in the event of the Council being reasonably satisfied that a breach of any of the foregoing conditions has occurred and the licence holder may be liable to prosecution.
- 24. These conditions are in addition to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act, 1976.



**Report to:** Licensing committee

**Item**

3 December 2015

**Report of:** Head of citywide services

**Subject:** Town Police Clauses Act 1847 and Local Government  
(Miscellaneous Provisions) Act 1976 – Case of Exeter City  
Council vs Sandle – licence renewals

**7**

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## **Purpose**

To inform member of the outcome of the above court case and consider the introduction of a late renewals policy.

## **Recommendation**

That members note the court's decision and consider adopting the following policy regarding the late renewal of licences with a stated end date:

- (1) applications to renew a licence will be accepted up to 3 working days after the expiry of the previous licence;
- (2) in exceptional circumstances, a period of more than 3 days may be considered; Details of such circumstances must be submitted in writing to the licensing manager;
- (3) decisions regarding the late renewal of licences shall be delegated to the licensing manager.

## **Corporate and service priorities**

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function.

## **Financial implications**

None

**Ward/s:** All wards

**Cabinet member:** Councillor Driver - Neighbourhoods and community safety

## **Contact officers**

Tony Shearman, licensing manager

01603 212761

## **Background documents**

None

## **Background**

1. In May 2011 an appeal case was heard in the High Court relating to the late renewal of a hackney carriage vehicle licence.
2. The case related to a previous successful appeal by Mr Nicholas Sandle against the decision of Exeter City Council not to renew a hackney carriage licence after the previous licence had expired. A copy of the full decision is attached at Appendix A.

## **Report**

3. All hackney carriage and private hire, vehicle and driver licences are issued for a fixed amount of time, with a specific expiry date. This also applies to certain other licences issued by Norwich city council under other legislation, such as tables and Chairs licences issued under the Highways Act 1980.
4. Prior to the above case it was generally held that after the expiry date, any such licence ceased to exist, and therefore any application to renew a licence received after the expiry of the old one, would not be entertained.
5. Previously, where an application was received to renew a licence, after the old one had expired, Norwich city council would have rejected that application and the applicant would have been advised that an application for the grant of a new licence would need to be made.
6. The case above, heard by the High Court, related to a situation where the person that was to make the application to renew a hackney carriage vehicle licence was unable to do so until the day after the previous licence expired, due to looking after a sick child.
7. Exeter city council refused the renewal application as the previous licence had expired, and this matter was appealed first to Exeter Crown Court and then to the High Court.
8. The decision of the High Court Judge in this case, in summary, was that where a renewal application is received after expiry of the previous licence, a delay of 2-3 days is acceptable before a decision is made (para. 11) and that “.... it would only be in exceptional circumstances that a delay of more than a few days would be permissible” (para 12(2))

## **Summary**

9. In light of the decision in this case, the current policy of not entertaining licence renewal applications, would appear to require updating.
10. Although this case refers to a hackney carriage vehicle licence, the judgement turns on the definition of “renew”, and therefore it can be reasonably be applied to other licences, either within the same field or outside it, where licence holders are required to make an application to renew a licence that expires after a specific time or on a specific date.



CO/9149/2010

**Neutral Citation Number: [2011] EWHC 1403 (Admin)**  
**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**THE ADMINISTRATIVE COURT**

Royal Courts of Justice  
Strand  
London WC2A 2LL

Monday, 16 May 2011

**B e f o r e:**

**MR JUSTICE COLLINS**

**Between:**

**THE QUEEN ON THE APPLICATION OF EXETER CITY COUNCIL\_**  
**Claimant**

v

**SANDLE\_**

**Defendant**

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**Mr J Ticehurst** (instructed by Exeter City Council) appeared on behalf of the **Claimant**

**J U D G M E N T**  
(As Approved by the Court)

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1. MR JUSTICE COLLINS: This is an appeal by way of case stated from a decision of the Crown Court at Exeter given on 1st October 2009 on an appeal by one Nicholas Sandle against the decision of the Exeter City Council (the appellant in this case) to decline to grant a Hackney Carriage Licence following the expiry of his existing licence.
2. The court decided that notwithstanding that the licence had expired when the application for its renewal was made, it was capable within the meaning of the legislation of being renewed and it ought to have been renewed. However, in addition the court had decided that a fresh licence should have been in the circumstances granted. The appellant council does not challenge that decision. Accordingly, this appeal in so far as Mr Sandle is concerned is academic because he has the licence which he wished for. But it is of some importance to the Appellant Council because I am told that it, and indeed a considerable number of licensing authorities, have taken the view that the terms of section 43 of the Town Police Clauses Act 1847 prevent a renewal because they limit the licence granted to a period of 12 months.
3. The statutory provision in question, section 43, reads as follows. Under the heading "Licence to be enforced for one year only":

"Every licence so to be granted shall be under the common seal of the commissioners, if incorporated, or, if not incorporated, shall be signed by two or more of the commissioners..."

Perhaps that in itself is not particularly material now:

"... and shall not include more than one carriage so licensed, and shall be in force for one year only from the day of the date of such licence, or until the next general licensing meeting, in case any general licensing day be appointed by the commissioners."

In reality nowadays, as I understand it, the local authorities will normally act on the basis of the licence being valid for one year only within the terms of section 43.

4. It is to be noted that section 60(1) of the Local Government (Miscellaneous Provisions) Act 1976 has provided as follows under the heading "Suspension and revocation of vehicle licence":

"Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefor under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds..."

Various grounds are then set out and they include any other reasonable cause. If they do so they have to give notice to the proprietor of the vehicle of the grounds upon which they have so acted.



5. It is clear that that provision presupposes that there is power to renew a licence granted under the Act of 1847. The question therefore is whether such renewal can take place after the licence has expired.
6. The first question that is asked by the Crown Court is whether a Hackney Carriage Licence is capable of renewal in a sense envisaged by section 60 of the 1976 Act before the expiration of the year period described by section 43.
7. It seems to me that the word "renew" can quite properly mean "grant afresh". That is to say, to permit the licence that has been granted to be treated as a new licence. That is a perfectly normal use of the English language and one which is clearly recognised by section 60 of the 1976 Act. Thus, an individual licence can only last for 12 months. That licence can be renewed and therefore is treated as a new licence which again will last for a period of 12 months and so on, if application is made. If it is a question of renewal then renewal will normally only be able to be made upon the same terms, that is to say it is a mechanical exercise unless there are reasons why such renewal should not be permitted.
8. In the case of Exeter, and I suspect in the case of other authorities, there is a condition attached to a licence that an application for renewal must be made before the licence comes to an end - that is to say before the 12-month period expires. In fact, the condition imposed by Exeter requires that such an application be made not more than 14 days before the 12 month period comes to an end, but can be made at any time up to the expiry of that 12-month period. That means inevitably that if the application is left until the last day of the validity of the licence it is unlikely to be processed until the following day at the earliest and if weekends intervene it will be longer than the following day. Thus, any renewal will have to take place after the licence has expired. I am told that there is what I am bound to say seems to be a little bit of a fudge applied in those circumstances because, albeit it is granted in those circumstances, it is treated as a fresh licence - that is to say as if it were not a renewal but a grant of a fresh licence which means that the conditions that normally have to apply in order to enable a new licence to be obtained are not imposed in such a case. It seems to me that that is a wholly unnecessary provision. There is nothing that prevents a licence which has expired from being renewed. As a matter of English, if for example one forgot to renew a driving licence the normal expression to be used when one remembered is "I forgot to renew, I must renew now" and no one, as it seems to me, could suggest that that was a misuse of the English language. As it seems to me that is entirely consistent with the approach indicated by the Act of 1976.
9. Although in the case of Exeter no doubt a renewal can be dealt with speedily, it may be that in other cases it will take a few days for the matter to be considered or there may be questions as to whether a renewal is permissible in an individual case because there may be concerns that there possibly has been a breach of conditions or there are grounds for refusing to renew and thus it could take a few days to sort that out. It would be somewhat absurd if in taking those few days so that the licence had expired it then became impossible to renew it within the meaning of the legislation. Accordingly, I take the view that not only is it permissible to renew when the licence still exists, but also it is possible to renew a licence, that is to say effectively to grant

what amounts to a new licence, after the original has expired and that is no breach of section 43.

10. Concern is raised by the council because there are quotas and in fact I think every council will adopt a policy of quotas for Hackney Carriage Licences on the basis that the demand must be there to justify the grant of a licence. Accordingly, there is often a queue of applicants who wish to obtain a licence if an existing one is not renewed. Accordingly, if no application in time is made then the council officer, who has the responsibility, may decide to grant a new licence to another applicant and accordingly when the application does come in he finds himself in a difficulty if there is a power to renew notwithstanding the application is made after the licence has expired.
11. It seems to me the answer to that problem lies in the condition. The applicant will know that he must make his application before the licence expires and if he does not do so he will find that his application is likely to be rejected. Indeed, unless he has a very good reason for the failure that will almost certainly be the case. I am told that there are problems in deciding how long a period should be left before a decision is made to grant a fresh licence to take the place of the one in respect of which no application for renewal has been made. The simple answer to that surely is that certainly a couple of days, perhaps three days, who knows, but a very short period is one which is appropriate just in case there is a good reason for the delay. In fact in this case the application was made a day late and the Crown Court decided that there was indeed a very good explanation -- I think the individual who was deputed to make the application had a sick child at the material time and accordingly had been distracted but had realised quickly and tried to make his application but the weekend had come upon him and thus the application was only a day late and, perhaps slightly unsurprisingly, the Crown Court took the view that in those circumstances it was not reasonable for the council to have refused to entertain the application for a renewal. But I must make it clear that if it is apparent from the conditions that the application has to be made within the period the licence is in force, it will take very strong case and very exceptional circumstances for an applicant who fails to make his application for renewal in time to be able to justify a claim that the council ought in the circumstances to have granted his licence. Such exceptional circumstances can exist and as I say it would be sensible for a council to give two or three days at least before taking the step of deciding to grant it to someone else. After all, I suppose such an application can for example be made by post and if there are postal difficulties that would be a good reason no doubt to defer any action to make sure that there had not been a delay in the post. One can imagine other circumstances which might make it obvious that it would be prudent to give a little extra time in all circumstances. It is obviously impossible to spell those out, but as I say suffice it to say that if the condition is not met it will be proper for the council to take the view that they will only allow renewal in exceptional circumstances.
12. Accordingly, I must deal with the questions raised by the case stated:-
  - (1) Is a Hackney Carriage Licence capable of renewal in the sense envisaged by section 60 Local Government (Miscellaneous Provisions) Act 1976 before the expiration of the one year period prescribed by section 43 Town Police Clauses Act 1847? The answer to that is: "Yes".

(2) Is a Hackney Carriage Licence capable of renewal, in the same way, after the expiration of that one year period? Answer: "Yes". If so, how long after does it cease to be so capable? Answer: "There is no particular period, but as I have indicated it would only be in exceptional circumstances that a delay of more than a few days would be permissible." (3) If the licence was capable of renewal, ought the applicant to have renewed the Licence in his case? That is not a question of law. It is a question of exercise of discretion and I need not answer it.

13. It follows therefore that this appeal will be dismissed.





**REGULATORY SUB COMMITTEE**

**14:35 to 15:35**

**8 June 2015**

Present: Councillors Button (chair), Boswell, Bradford, Jones and Ryan  
(substitute for Coleshill)

Apologies: Councillor Coleshill

**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 6 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 grant of 3 month private hire drivers licence application reference 15/00287/PHD3 (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.)

The licensing manager presented the report. The applicant explained the circumstances surrounding his convictions on 18 September 2007 for battery and 12 April 2013 for driving without due care and attention and answered member's questions.

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

**RESOLVED**, unanimously, to grant 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 chair reminded the applicant to seek help with completing paperwork.

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

**\*4. Application for grant of a private hire drivers licence application reference 15/00260/PHD3 (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 convictions on:

- a) 20 September 2010 for possessing a knife blade / sharp pointed article in a public place,
- b) 22 November 2010 and 11 April 2011 for failing to comply with a the requirements of a community order,
- c) 9 May 2011 for making off without paying,
- d) 15 June 2011 for failing to comply with suspended sentence supervision order
- e) 8 July 2011 for using a vehicle uninsured against third party risks
- f) 20 September 2011 and 28 October 2011 for failing to comply with suspended sentence supervision order; and
- g) 5 September 2014 for going equipped for theft (other than theft of motor vehicle)

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

Following discussion it was:-

**RESOLVED**, with four voting in favour (councillors Button, Boswell, Bradford and Jones) and one voting against (councillor Ryan), to grant 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 applicant then left the meeting)

**\*5. Application for grant of 3 month private hire drivers licence application  
reference 15/00152/PHD3 (paras 1 & 3)**

(The applicant attended the meeting for this item. He confirmed that he understood his right to be legally represented at the meeting but chose not to be. He produced a copy of 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 convictions on 24 February 2011 for driving otherwise than in accordance with a DVLA licence, 25 May 2011 for two counts of criminal damage and on 26 September 2012 for criminal damage.

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

Following discussion it was:-

**RESOLVED**, unanimously, to grant 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 applicant then left the meeting.)

CHAIR







## **REGULATORY SUB COMMITTEE**

**14:30 to 16:15**

**13 July 2015**

Present: Councillors Button (chair), Ackroyd, Maxwell, Price and Ryan

### **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 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 grant of a hackney carriage driver's licence – application ref: 15/01029/HACKD (paragraphs 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 was unable to produce his DVLA licence for inspection by the committee. The licensing manager circulated a photocopy of the applicant's licence which was received and inspected by the sub-committee. The applicant confirmed that since the application form had been completed on 20 February 2015, he had a matter pending relating to the receipt of notice of intended prosecution relating to a speeding offence and that he had no further convictions or cautions.)

The applicant explained that he had received notification of a speeding offence and said that he had not been driving the vehicle at the time and had passed it on to the driver. The licensing manager advised the committee that the matter was not complete. The paperwork had been passed to the person that the applicant had named and the matter might or might not be contested. The subcommittee agreed to continue its consideration of this application subject to the applicant informing the licensing manager of the outcome of this matter.

The licensing manager presented the report.

The applicant explained the circumstances surrounding the receipt of a caution for battery on 1 January 2014 and answered members' questions. He had mistakenly considered that the caution was a spent conviction and unrelated to driving a private hire vehicle.

The applicant explained that he wanted to work at night to spend more time with his family and that this would be his only employment.

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

Following discussion it was:-

**RESOLVED**, unanimously, to grant the hackney carriage driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application, subject to:

- (1) the applicant informing the licensing manager of the outcome of the driving offence in due course;
- (2) asking the licensing manager to write to the applicant to ensure that he is aware of the conduct expected of hackney carriage drivers and that violent behaviour is not tolerated.

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

**\*4. Application for grant of a 3 month private hire driver's licence – application ref 15/00642/PHD3 (paragraphs 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 convictions on 14 April 2011 for exceeding the statutory speed limit on a public road and 3 May 2011 (offence date 13 November 2010) for exceeding goods vehicles speed limits. He explained that he had not declared these convictions due to an oversight and that a council officer had assisted him when he completed his application form. He had been under the impression that he had disclosed both convictions.

The applicant explained that he had applied for a private hire driver's licence to improve his family life and spend more time with his children.

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

Following discussion it was:-

**RESOLVED**, unanimously, to grant 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 applicant then left the meeting)

**\*5. Suspension/revocation of Norwich City Council private hire driver's licence no 14/01249/PHDRIV**

(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 was unable to produce his DVLA licence. 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 other than the matters set out in paragraph 1 of the report.)

The licence holder explained that he was unable to produce his DVLA licence and had applied to the DVLA for a duplicate.

The licensing manager presented the report and referring to paragraph 4 of the report pointed out that the DVLA licence was one of the documents that the licence holder had failed to submit. He pointed out that there was a discrepancy with the dates as the licence holder made an application for a licence on 7 August 2012 and it was not issued until 6 June 2013. The licensing manager therefore would need to check the details of this and whether a medical certificate or disclosure and barring service documentation was required. Members agreed that the licensing manager was granted authority to deal with outstanding matters set out in paragraph 4, subject to there being no further matters that he would need to report to a further subcommittee.

The licence holder explained the circumstances that had led to him being charged with the possession of cannabis and using threatening words or behaviour on 1 July 2015 and answered members' questions.

The licence holder said that he had not been working since the alleged offence but that he was waiting to hear from other private hire vehicle companies for work.

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

Following discussion it was:-

**RESOLVED**, unanimously, to:

- (1) defer consideration of the suspension/revocation or refuse to renew the Norwich City Council private hire driver's licence no 14/01249/PHDRIV, in accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act, 1976, until the outcome of the pending court proceedings against the licence holder;

- (2) delegate to the licensing manager to resolve the outstanding matters as set out in paragraph 4 of the report.

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

**\*6. Application no for renewal of a hackney carriage driver's licence case numbers 13/02259/HACKD & 14/02048/HACKD**

(The chair agreed to move this item down the agenda to allow for more time for the applicant to attend the subcommittee hearing. The subcommittee then agreed to consider the application in the absence of the applicant.)

The licensing manager presented the report and answered members' questions.

**RESOLVED**, unanimously, to refuse to renew the hackney carriage driver's licence in respect of these applications in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976 because the applicant has failed to submit a satisfactory medical certificate following his attendance at the regulatory subcommittee on 11 May 2015 and in the absence of such a report the subcommittee could not be satisfied that the licence holder was a fit and proper person to hold a licence.

CHAIR



**REGULATORY SUB COMMITTEE**

**14:25 to 14:40**

**10 August 2015**

Present: Councillors Button (chair), Jones, Schmierer, Thomas (Vi) and Woollard

**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 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 grant of a 3 month private hire driver's licence – application ref 15/00876/PHD3 (paragraphs 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 was produced his DVLA licence for inspection by the committee.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his convictions on 15 January 2014 and 17 August 2014 for exceeding the statutory speed limit on a public road. He said that he had not declared these on his application as he misunderstood the form.

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

**RESOLVED**, unanimously, to grant 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 to notify the licensing manager within 7 days if any further convictions were received. The applicant then left the meeting.

CHAIR



**REGULATORY SUB COMMITTEE**

**14:40 to 15:00**

**14 September 2015**

Present: Councillors Button (chair), Bradford, Coleshill and Jones

Apologies: Councillor Boswell

Also present: Maxine Fuller, licensing assistant

**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 \*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 grant of a 3 month private hire driver's licence – application ref 15/00901/PHD3 (paragraphs 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 was produced his DVLA licence for inspection by the committee.)

The licensing manager presented the report. He said that any references to a driver's licence being held as property were no longer relevant.

The applicant explained the circumstances surrounding his convictions on 19 October 2010, 19 January 2012 and 30 March 2013 for exceeding the statutory speed limit on a public road.

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

**RESOLVED**, unanimously, to grant 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, the licensing manager and the licensing assistant were admitted to the meeting and informed of the decision minuted above. The chair reminded the applicant to be mindful of his speed at all times. The applicant then left the meeting.)

**\*4. Application for renewal of a hackney carriage drivers licence case numbers 1300527HACKD 1400495HACKD and 1500214HACKD (paragraphs 1 & 3)**

The licensing manager presented the report. As this was the second occasion on which the applicant was unable to attend the meeting, it was decided to hear the case in his absence.

The licensing manager explained that the applicant had failed to produce the required paperwork for the renewal, despite three reminders.

**RESOLVED**, unanimously:-

- a) Not to grant the renewal, as members were unable to decide whether the applicant was a fit and proper person to hold a licence without the correct paperwork; and
- b) To delegate to the licensing manager, the calculation of an appropriate refund of the renewal fee.

CHAIR





**REGULATORY SUB COMMITTEE**

**14:30 to 15:55**

**12 October 2015**

Present: Councillors Button (chair), Henderson (substitute for Price), Maxwell and Ryan

Apologies: Councillor Ackroyd

**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 \*6 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. Suspension/revocation of Norwich City Council hackney carriage drivers licence No. 12/00946/HACKD (paragraphs 1 & 3)**

(The applicant and his solicitor attended the meeting for this item. The applicant produced his DVLA licence for inspection by the committee.)

The licensing manager presented the report.

The applicant's solicitor explained the circumstances surrounding his conviction on 26 August 2015 for assault. A reference from the applicant's employer was presented to the committee. The applicant answered member's questions.

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

**RESOLVED**, unanimously, to take no further action.

(The applicant, his solicitor and the licensing manager were admitted to the meeting and informed of the decision minuted above. The applicant and his solicitor then left the meeting.)

**\*4. Application for renewal of a private hire drivers licence case number 15/01823/PHDRIV (paragraphs 1 & 3)**

The licensing manager advised the committee that the applicant was not required to attend the meeting as he had been found not guilty of the alleged offence set out in the report. A letter from the applicant's solicitor had been received to confirm the verdict.

**RESOLVED**, unanimously, to take no action.

**\*5. Application for renewal of a private hire drivers licence reference 15/00398/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.)

The licensing manager presented the report. He reminded the members that three of the convictions on the applicant's licence had been considered at a previous regulatory subcommittee meeting.

The applicant explained the circumstances surrounding his convictions on 5 December 2014 for exceeding the statutory speed limit on a public road, on 4 June 2014 for common assault.

The licensing manager produced copies of the police report of an enforcement check on the applicant's vehicle on 11 September 2015 for members to consider. The applicant was also given a copy.

The applicant answered member's questions on the enforcement check report and the convictions.

(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 to read his green book carefully and not to be complacent. The applicant left the meeting.)

**\*6. Application for grant of a 3 month private hire drivers licence reference 15/01578/PHD3 (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.)

The licensing manager presented the report. He said that the DVLA report showed slight amendment to the convictions set out in the report and that they should read as below:

14 July 2014 for exceeding the statutory speed limit on a public road

17 June 2014 for exceeding the goods vehicle speed limit on a public road; and

10 January 2013 for exceeding the statutory speed limit on a public road

The applicant explained the circumstances surrounding the above convictions and answered member's questions.

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

Following discussion it was:-

**RESOLVED**, unanimously, to grant 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 to be mindful of his speed at all times.)

CHAIR

