

Licensing committee

16:30 to 18:00

10 March 2016

Present: Councillors Button (chair), Price (vice chair), Ackroyd, Bradford, Henderson, Maxwell, Peek, Ryan, Schmierer, Thomas (Vi) and Woollard

Apologies: Councillors Boswell and Jones

1. Public questions/petitions

A public question was received from Craig Dimbleby:

“With regard to the implementation of the new level of fees payable by all Hackney drivers for licenses that are administered by Norwich council’s licensing section, we find that this situation was very poorly handled by the licensing section the said council:

No notification was given to drivers i.e. no letters were sent out informing us of the decision to introduce a three year license, Whilst there is an obvious saving on the three year license, surely you would agree it would have ‘at least been protocol’ to have inform us of this decision before being introduced.

Could you please verify that either this was passed at committee level or committee approval was not required and that the licensing section of Norwich City Council have the power to implement such change without giving prior notice.

Could you also please verify that such change should, or should not have been advertised as per statutory advertising procedure, if so, where?

In conclusion, we the Norwich Hackney Trade Association, are seeking and asking for clearer channels for communications with the licensing department to avoid any unnecessary ill-will as without guidelines and procedures which are in place, but not followed, gives the impression that the license section has ‘carte blanche’ and will do so as they wish.”

The chair replied:

“Norwich City Council would generally seek to work with all stakeholders when major changes in legislation affect council matters. The change from 1 year to 3 year hackney and private hire drivers licences was forced by the introduction of the Deregulation Act 2015 which applied from the 1 October 2015, it was not a decision of the city council. Unfortunately during the run-up to the introduction of the legislation there was a change in management in the licensing office at the city council, which may have led to the

requirements of the new legislation not being communicated to the hackney carriage and private hire trades as effectively as it could have been.

At a committee meeting in June 2015, the licensing committee delegated to officers the authority to set fees for the new 3 year drivers licences, as required by the Deregulation Act 2015. The new fees were authorised at senior management level by the head of citywide services, in agreement with the chair and vice-chair persons of the licensing committee, in August 2015.

The Local Government (Miscellaneous Provisions) Act 1976 s. 70, sets out the requirements for advertising changing of fees in relation to hackney and private hire licensing. The legislation requires that only new fees for hackney/private hire vehicle and private hire operator's licences are advertised. There is no requirement to advertise any change in drivers licence fees. Therefore the only new fees required to be advertised as a result in the changes in legislation, were those relating to private hire operators. This was done by the display of a public notice at city hall between the 4 September and 3 October 2015, and a public notice appearing in the Evening News on the 4 September 2015.

Norwich City Council welcomes the opportunity for clearer channels of communication with the Norwich Hackney Trade Association.”

Mr Dimbleby asked the supplementary question:

“With the introduction of the three year licences, how will those applying with an EEA licence be policed?”

The licensing manager replied:

“Although the Hackney carriage or private hire drivers licence would be issued for three years, an annual DVLA check is undertaken on all licence holders.”

2. Declarations of interest

There were no declarations of interest.

3. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 3 December 2015.

4. License and registration fees

The licensing manager presented the report. He advised members that the date at paragraph 5 should read ‘2016/17’, the date in paragraph 7 should read ‘April 2013’ and the date in the Recommended charge column in appendix A should read ‘2016-17’.

In response to a member’s question, the licensing manager said that there were currently three establishments already in operation that would require a sex establishment license and he expected to receive applications from all three of these venues in 2016.

RESOLVED, unanimously, to approve the fees detailed in the column headed 'recommended charges' of appendix A to the report.

5. Hackney carriage and private hire licences – Consideration of criminal conduct, improper behavior and complaints relating to existing licence holders and new applicants.

The licensing manager presented the report. An updated version of the draft policy was circulated at the meeting and is appended to these minutes.

Members expressed concern that the policy did not propose to include operators and business owners at this time. The licensing manager said that this was due to operators and business owners not being in contact with vulnerable people. He said that a report on driver training, which would include safeguarding, would be coming to the committee in due course.

Discussion ensued around the number of points that a driver could accumulate on their licence, before they would be asked to attend a regulatory subcommittee. The licensing manager said that the increase to nine points was in line with other district councils and would mean that drivers would need to prove to the committee why they should be allowed to keep their licence. Members were concerned with this change and discussed the option of changing the policy to drivers receiving 6 points within a 12 month period being brought before a regulatory subcommittee.

In response to a question, the licensing manager said that there needed to be procedures in place to take action where necessary if a driver was under investigation for a serious offence. In order to preserve the transparency of the process, it was suggested that if the decision to suspend a license, as a driver was under investigation for a serious office, was undertaken by officers, a full report on the process should come to the next regulatory subcommittee. This would not need to be done if the license was revoked due to the driver no longer holding a valid DVLA license.

RESOLVED, unanimously, to:

- 1) adopt the policy,
- 2) include in the policy option 2 at paragraph 15 with the amount of points needed to appear before committee amended to read '6 points in a 12 month period',
- 3) delegate to the licensing manager (or acting licensing manager) the authority to revoke hackney carriage and private hire drivers licenses in the circumstance laid out in paragraph 21; and
- 4) delegate to senior managers, of at least head of service level, the authority to suspend hackney carriage and private hire drivers licenses in the circumstances laid out in paragraph 21, with a full report of this decision to be submitted to the next available regulatory subcommittee.

6. Police Reform and Social Responsibility Act 2011: Late Night Levy

Members discussed the possibility of introducing a late night levy to raise income due to the pressures put on the council's budget by the night time economy.

RESOLVED to ask the licensing manager to bring a report on the viability of introducing a late night levy, to the next licensing committee meeting.

7. Standing item – Regulatory subcommittee minutes

RESOLVED to receive the minutes of the regulatory subcommittee meetings held on 14 December 2015 and 8 February 2016.

CHAIR