

### Licensing committee

**Date:** Thursday, 10 March 2016

**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

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## Agenda

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<b>1 Apologies</b> To receive apologies for absence	
<b>2 Public questions/petitions</b> 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)	
<b>3 Declarations of interest</b>  (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)	
<b>4 Minutes</b> To approve the accuracy of the minutes of the meeting held on 3 December 2015	<b>5 - 8</b>
<b>5 Licence and registration fees</b> <b>Purpose</b> - To consider the level of fees payable for those licences administered by the council's licensing section.	<b>9 - 14</b>
<b>6 Hackney carriage and private hire licences - Consideration of criminal conduct, improper behaviour and complaints relating to existing licence holders and new applicants</b> <b>Purpose</b> - To consider the introduction of an updated policy with regard to the council's consideration of criminal convictions and allegations, improper behaviour and complaints relating to licensed hackney carriage and private hire drivers.	<b>15 - 36</b>
<b>7 Police Reform and Social Responsibility Act 2011 - Late Night Levy</b> <b>Purpose</b> - To inform members of the availability within Licensing Act 2003 for local authorities to introduce a Late Night Levy as contained in Part II of the Police Reform and Social Responsibility Act 2011.	<b>37 - 48</b>
<b>8 Standing item - regulatory subcommittee minutes</b> To receive the minutes of the regulatory subcommittee meetings held on 14 December 2015 and 8 February 2016.	<b>49 - 52</b>

Date of publication: **Wednesday, 02 March 2016**





**Licensing committee**

**16:30 to 17:30**

**3 December 2015**

Present: Councillors Button (chair), Price (vice chair), Bradford, Henderson, Jones, Maxwell, Peek, Ryan, Schmierer (from item 5 below), Thomas (Vi), Woollard and Wright (substitute for Councillor Ackroyd)

Apologies: Councillors Ackroyd and Boswell

**1. Committee membership**

**RESOLVED** to note:

- (1) Councillor Coleshill has resigned from the committee;
- (2) Councillor Peek has been appointed to the committee.

**2. Public questions/petitions**

There were no public questions or petitions received.

**3. Declarations of interest**

There were no declarations of interest.

**4. Minutes**

**RESOLVED** to approve the accuracy of the minutes of the meeting held on 4 June 2015.

**5. Local Government (Miscellaneous Provisions) Act 1976 – Private hire vehicle licensing – standard conditions**

(Councillor Schmierer joined at the start of this item.)

The licensing manager presented the report. He advised members that the word “hydrogen fuel cell” should be included in the list of vehicles that were exempt from the requirement that “vehicles shall not be less than 1400cc”, as set out in condition 19, of the council’s private hire vehicle conditions.

During discussion, the licensing manager explained that Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 (as set out in appendix A of the report) required private hire vehicles to be “comfortable” and this had led to the requirement that vehicles had an engine not less than 1400cc (ie saloon cars). Discussion ensued on the use of low emission vehicles and the need to enable electric, hydrogen-fuel cell or hybrid vehicles to be used. Members noted that the licensing manager had discretion to ensure that all private hire vehicles complied with the minimum passenger seat standard of 16”.

In reply to a question, the licensing manager referred to condition 22 and said that a review was being undertaken of vehicles for private hire that were accessible for people who used wheelchairs. He pointed out that the issue was the need to protect and maintain the distinction between hackney carriages and private hire vehicles. There would be a report to the committee in due course.

The committee also considered that the standard conditions should be updated to reflect changes in the council’s organisational structure and current job titles.

**RESOLVED**, unanimously, to:

- (1) approve the proposed changes to the private hire licence conditions by amending the vehicle licence conditions as follows:
  - (a) condition 19, amending it as follows:

“The vehicle shall not be less than 1400cc, except for electric, hydrogen fuel cell and hybrid vehicles.”
  - (b) condition 22, amending it as follows:

“Any vehicle conforming to the standard specification for hackney carriages as from 24 November 2009 shall not be used as a private hire vehicle.”
- (2) ask the licensing manager to update the conditions to reflect the council’s organisational structure and current job titles.

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

The licensing manager presented the report.

The vice chair commented that the wording of the proposed policy was clear and concise.

During discussion the licensing manager referred to the report and answered members’ questions. He explained that the proposed three days after the expiry of the licence was based on the High Court judge’s comments. The cost of renewing an application was less expensive than making a full application.

In reply to a question, the licensing manager explained that the proposal for adopting a policy for a late renewal of licences with a stated end date applied to licences for drivers' licences for private hire vehicles or hackney carriages which had a fixed term. The proposal was a response to the outcome of the case law, as the number of applications for licence renewal received by the city council after the expiry date was relatively low, at only one or two a month.

**RESOLVED**, unanimously, to adopt 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 working 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.

#### **7. Standing item – Regulatory subcommittee minutes**

**RESOLVED** to receive the minutes of the regulatory subcommittee meetings held on 8 June 2015, 13 July 2015, 10 August 2015, 14 September 2015 and 12 October 2015.

CHAIR





**Report to** Licensing committee  
10 March 2016  
**Report of** Head of citywide services  
**Subject** Licence and registration fees

**Item**

**5**

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**Purpose**

To consider the level of fees payable for those licences administered by the council's licensing section.

**Recommendation**

To approve the fees detailed in the column headed 'Recommended Charge' of Appendix A attached to 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**

Advertising costs to be met from existing budget.

**Ward/s:** All wards

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

**Contact officers**

Tony Shearman, licensing manager

01603 212761

**Background documents**

None

## **Report**

1. This report invites members to consider increasing the fees payable for those licences currently administered by the head of citywide services and detailed in appendix A to the report. The fees in respect of the licences shown in appendix A were last reviewed at the meeting of Licensing Committee on 23 March 2015.
2. Members will note that the charges fall under three headings: discretionary fees (the level of fee is at the discretion of the licensing authority subject to the principles outlined in paragraph 3 below), discretionary fees with statutory maxima (as discretionary fees but with an upper limit) and fixed fees (set by statute and cannot be increased).

### **Level of licence fees**

3. When determining the levels of fees charged for the licensing function there are three main areas for consideration. Firstly, case law has established that local authorities are entitled to recover the cost of administering a licensing scheme, provided that allowance is made for exemptions or reductions. Following on from this point, the second area for consideration is that where certain licences are exempt from a fee, the cost of administering these licences cannot be 'transferred' to other licence fee payers. Lastly, it has also been determined through case law that local authorities are not empowered to raise revenue through their licensing function but they may include costs within licence fees relating to enforcement action against un-licensed activities.
4. The points outlined in paragraph 3 above are taken into account when determining the base estimates for the current financial year. In calculating the projected income for each type of licence it is necessary to estimate the number of licences that may be issued over the course of the year.

### **Proposals for financial year 2016/17**

5. The head of financial services and I have considered the level of licence fees for the 2015/16 financial year and the proposals are contained in appendix A attached to the report.
6. Having taken into account the criteria outlined above, the table at appendix A suggests a charge for each licence which is obtained by applying a 1% increase to the current fees, except where the fee is fixed by statute.

### **Implementation**

7. The increases can be brought into effect from April 2015. However, members should be aware that a statutory advertising procedure applies in respect of an increase in the fees payable for hackney carriage vehicle licences, private hire vehicle and private hire operators' licences. If objections are received in respect of these particular fees, then members will have to give further consideration to those increases.

**NORWICH CITY COUNCIL LICENSING CHARGES 2014/15 TO 2015/16 (APPENDIX A)**

	Licence Fee 2015/16 £	Estimated No. of Licences Issued in 2015/16	Estimated Income 2015/16 £	Recommended Charge 2015/16 (1% increase) £	Estimated No. of Licences Issued in 2016/17	Estimated Income 2016/17 £
<b>DISCRETIONARY FEES</b>						
<b>(i) Hackney Carriage &amp; Private Hire</b>						
HC Drivers - Grant	416	8	2,680 *	420	15	6,302
PH Drivers Grant	339	24	7,796 *	342	50	17,120
HC Drivers - Renewal	240	217	38,384 *	242	109	26,422
PH Drivers Renewal	208	228	35,136 *	210	130	27,310
Hackney Carriage Vehicle	143	230	32,890	144	230	33,219
Private Hire Vehicle	122	420	51,240	123	440	54,217
Private Hire Operator Renewal	842	11	3,952 *	850	9	7,654
Private Hire Grant	880	0	0 *	889	0	0
Transfer of HC/PH vehicle licence	15	40	600	15	40	606
Replacement Vehicle Licence Plate	20	15	300	20	15	303
<b>Sub total</b>			172,978			173,152
<b>(ii) Environmental Services Licences</b>						
Acupuncture - Shop	258	1	258	261	1	261
Acupuncture - Employee	27	5	135	27	5	136
Ear Piercing - Shop	258	1	258	261	1	261
Ear Piercing - Employee	27	6	162	27	6	164
Electrolysis - Shop	258	4	1,032	261	4	1,042
Electrolysis - Employee	27	0	0	27	0	0
Tattooing - Shop	258	5	1,290	261	5	1,303
Tattooing - Employee	27	20	540	27	20	545
Dangerous Wild Animals	258	1	258	261	1	261
Dog Breeding	258	0	0	261	0	0
Animal Boarding Establishments	258	0	0	261	0	0
Pet Shops	258	6	1,548	261	6	1,563
<b>Sub Total</b>			5,481			5,536
<b>(iii) Other Non-fixed Licences</b>						
Sex Establishments	2,532	1	2,532	2,557	4	12,660
Scrap Metal Dealers: (site licence)	209	0	0	211	0	0
Scrap Metal Dealers: (collectors licence)	95	10	2,604	96	10	950
Scrap Metal Dealers: (renew site licence)	209	0	0	211	0	0
Scrap Metal Dealers: (renew collectors licence)	209	0	0	211	0	0
Scrap Metal Dealers: (vary - licensee name change)	23	0	0	23	0	0
Scrap Metal Dealers: (vary - change of site)	169	0	0	171	0	0
Scrap Metal Dealers: (vary - change of site manager)	103	0	0	104	0	0
Scrap Metal Dealers: (vary - site to collectors)	24	0	0	24	0	0
Scrap Metal Dealers: (vary - collectors to site)	24	0	0	24	0	0
Tables and Chairs (grant)	595	7	4,165	601	10	6,010
Tables and Chairs (renewal)	122	20	2,440	123	25	3,081
Tables and Chairs (renewal 3 yearly)	367	0	0	371	0	0
<b>Sub Total</b>			11,741			22,700

Total				190,200			201,388
<b>Gambling Act 2005 Licences (Discretionary fees with statutory maxima)</b>							
<b>Bingo Club</b>							
Transitional (fast track)	300.00	0	0		300.00	0	0
New Application	3,500.00	0	0		3,500.00	0	0
Annual Fee	1,000.00	2	2,000		1,000.00	2	2,000
Transfer	1,200.00	0	0		1,200.00	0	0
Re-Instatement	1,200.00	0	0		1,200.00	0	0
Provisional Statement	3,500.00	0	0		3,500.00	0	0
Provisional Licence Application	1,200.00	0	0		1,200.00	0	0
<b>Betting Premises</b>							
Transitional (fast track)	300.00	0	0		300.00	0	0
New Application	3,000.00	3	9,000		3,000.00	3	9,000
Annual Fee	600.00	29	17,400		600.00	29	17,400
Variation	1,500.00	0	0		1,500.00	0	0
Transfer	1,200.00	0	0		1,200.00	0	0
Re-Instatement	1,200.00	0	0		1,200.00	0	0
Provisional Statement	3,000.00	0	0		3,000.00	0	0
Provisional Licence Application	1,200.00	0	0		1,200.00	0	0
<b>Tracks</b>							
Transitional (fast track)	300.00	0	0		300.00	0	0
New Application	2,500.00	0	0		2,500.00	0	0
Annual Fee	1,000.00	1	1,000		1,000.00	1	1,000
Variation	1,250.00	0	0		1,250.00	0	0
Transfer	950.00	0	0		950.00	0	0
Re-Instatement	950.00	0	0		950.00	0	0
Provisional Statement	2,500.00	0	0		2,500.00	0	0
Provisional Licence Application	950.00	0	0		950.00	0	0
<b>Family Entertainment Centre</b>							
Transitional (fast track)	300.00	0	0		300.00	0	0
New Application	2,000.00	0	0		2,000.00	0	0
Annual Fee	750.00	1	750		750.00	1	750
Variation	1,000.00	0	0		1,000.00	0	0
Transfer	950.00	0	0		950.00	0	0
Re-Instatement	950.00	0	0		950.00	0	0
Provisional Statement	2,000.00	0	0		2,000.00	0	0
Provisional Licence Application	950.00	0	0		950.00	0	0
<b>Adult Gaming Centre</b>							
Transitional (fast track)	300.00	0	0		300.00	0	0
New Application	2,000.00	0	0		2,000.00	0	0
Annual Fee	1,000.00	2	2,000		1,000.00	2	2,000
Variation	1,000.00	0	0		1,000.00	0	0
Transfer	1,200.00	0	0		1,200.00	0	0
Re-Instatement	1,200.00	0	0		1,200.00	0	0
Provisional Statement	2,000.00	0	0		2,000.00	0	0
Provisional Licence Application	1,200.00	0	0		1,200.00	0	0
<b>Gambling Act 2005 Permits (Fixed fees)</b>							
<b>Family Entertainment Centre</b>							
Transitional	100.00	0	0		100.00	0	0
New Application	300.00	0	0		300.00	0	0
Renewal Fee	300.00	0	0		300.00	0	0
<b>Prize Gaming</b>							
Transitional	100.00	0	0		100.00	0	0
New Application	300.00	0	0		300.00	0	0

Renewal Fee	300.00	0	0	300.00	0	0
<b>Alcohol Licensed Premises - notification of 2 or less machines</b>			0			
Application fee	50.00	11	550	50.00	11	550
<b>Alcohol Licensed Premises - more than 2 machines</b>			0			
Transitional	100.00	0	0	100.00	0	0
New Application	150.00	1	150	150.00	1	150
Annual Fee	50.00	14	700	50.00	14	700
<b>Club Gaming Permit</b>			0			
Transitional	100.00	0	0	100.00	0	0
New Application	200.00	0	0	200.00	0	0
Renewal Fee	200.00	0	0	200.00	0	0
Annual fee	50.00	2	100	50.00	2	100
<b>Club Gaming Machine Permit</b>			0			
Transitional	100.00	0	0	100.00	0	0
New Application	200.00	0	0	200.00	0	0
Renewal Fee	200.00	0	0	200.00	0	0
Annual fee	50.00	4	200	50.00	4	200
<b>Small Society Lottery Registration</b>			0			
Application fee	40.00	15	600	40.00	15	600
Annual fee	20.00	140	2,800	20.00	140	2,800
Sub Total			37,250			37,250
<b>Licensing Act 2003 (Fixed Fees)</b>						
Premises Licence / Club Premises Certificate - Grant						
Band A	100.00	6	600	100.00	6	600
Band B	190.00	12	2,280	190.00	12	2,280
Band C	315.00	6	1,890	315.00	6	1,890
Band D	450.00	2	900	450.00	2	900
Band E	635.00	5	3,175	635.00	5	3,175
Other Licensing Act 2003 fees			5,000			5,000
Premises Licence / Club Premises Certificate - Annual Fee						
Band A	70.00	78	5,460	70.00	78	5,460
Band B	180.00	402	72,360	180.00	402	72,360
Band C	295.00	92	27,140	295.00	92	27,140
Band D	320.00	13	4,160	320.00	13	4,160
Band E	350.00	67	23,450	350.00	67	23,450
Premises Licence / Club Premises Certificate - Variation						
Band A	100.00	0	0	100.00	0	0
Band B	190.00	3	570	190.00	3	570
Band C	315.00	1	315	315.00	1	315
Band D	450.00	0	0	450.00	0	0
Band E	635.00	1	635	635.00	1	635
Personal Licence	37.00	130	4,810	37.00	130	4,810
Temporary Event Notice	21.00	250	5,250	21.00	250	5,250
			157,995			157,995
<b>Total income</b>			<b>385,445</b>			<b>396,633</b>



**Report to** Licensing committee  
10 March 2016

**Item**

**Report of** Head of citywide services

**Subject** Hackney carriage and private hire licences:  
Consideration of criminal conduct, improper behaviour and complaints relating to existing licence holders and new applicants

**6**

### **Purpose**

To consider the introduction of an updated policy with regard to the councils consideration of criminal convictions and allegations, improper behaviour and complaints relating to licensed hackney carriage and private hire drivers.

### **Recommendation**

- 1) To consider the introduction of the proposed policy, noting recommendation 2 below.
- 2) To consider the 2 options provided in paragraph 15 with regard to the handling of licensed drivers DVLA licence penalty points.
- 3) To delegate to the licensing manager the authority to revoke hackney carriage and private hire drivers licences in the circumstances laid out in paragraph 21.
- 4) To delegate to senior managers, of at least head of service level, the authority to suspend hackney carriage and private hire drivers licences in the circumstances laid out in paragraph 21.

### **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

## Report

1. Hackney carriage and private hire driver's licences are administered by local authorities under the Town Police Clauses Act 1847 and Local Government Miscellaneous Provisions Act 1976.
2. In making decisions regarding existing licence holders and new applicants, consideration is given to whether the applicant/licence holder is a 'fit and proper person'
3. The 'fit and proper' test can take into account convictions as well as cautions, arrests, other police data and complaints.
4. Where officers are alerted to concerns regarding the fitness or propriety of an applicant or licence holder, unless there are serious immediate concerns, the matter would normally be heard at the next available regulatory subcommittee hearing.
5. The current Statement of Policy about relevant convictions is attached at appendix A.
6. With regard to convictions, the current criteria for officers to require an applicant or licence holder to appear before the sub-committee would be as follows:-
  - Any unspent criminal conviction
  - For new applicants – 6 or more penalty points on their DVLA licence
  - For existing licence holder - 6 or more penalty points in the last 18 months on their DVLA licence
7. This current policy is bringing many drivers before the sub-committee, the vast majority are keeping (or acquiring) their licences with no further sanction other than a warning that if further convictions are obtained, then the matter would be reviewed again. This is not only creating an unnecessary burden on the subcommittee, but can also trivialise to an extent, many drivers experience of having to attend.
8. In order to address this, a new policy is proposed, which is attached at appendix B. This policy provides greater detail with regard to the types of offence likely to be considered and their relevance. It may be used to act as guidance to inform not only to the sub-committee but also licensing staff issuing licences under delegated authority and applicants/existing licence holders.
9. The proposed policy includes 2 different approaches to dealing with penalty points on driver's licences, both options are included in paragraph 15. Members are asked to consider both alternatives and direct officers accordingly.
10. Also included in the policy is a formalised approach to the immediate suspension and revocation of existing driver's licences under certain circumstances.



11. Recent cases in Rotherham and Aylesbury have highlighted the prominent role of taxi drivers in child sexual exploitation cases. Work at central government level is promoting local authorities to tackle child sexual exploitation, and at local level has led to the adoption of the 'taxi and licensing safeguarding action plan'. This has been expanded to include all vulnerable persons, not just children.
12. One of the issues highlighted has been the decision making process and management level of intervention, where serious safeguarding issues are alleged relating to a licensed driver
13. One of the actions of the action plan requires 'All decisions of temporary suspension sit with relevant director / executive head of service, rather than a less senior member of staff'.
14. In accordance with this, members are asked to delegate to senior managers, of at least head of service level, the authority to suspend immediately hackney carriage and private hire drivers licences, in the interests of public safety.
15. This responsibility would normally fall to the head of service responsible for the licensing department, however has been expanded to anyone at head of service level in case the matter is considered to be urgent and the relevant head of service is unavailable.
16. Also included in the proposed policy is the ability for the licensing manager to revoke a driver's hackney carriage/private hire licence where a DVLA licence has been suspended/revoked/disqualified. This has previously been the policy and is included here for completeness.
17. Information on the immediate suspension or revocation of licences has been included in the proposed policy in paragraph 21, and also the document highlights the ability for the authority to take into consideration information falling short of a conviction.

## **Conclusion**

18. The proposed policy is considered necessary to properly inform officers making decisions under delegated authority and offer guidance to the regulatory subcommittee.
19. Introduction of the proposed policy should alleviate some of the unnecessary burden on the regulatory subcommittee.
20. Delegation to officers of the suspension/revocation of hackney and private hire licences, under certain circumstances, is considered necessary to tackle public safety issues, particularly in relation to vulnerable persons and is an outstanding action in taxi and licensing safeguarding action plan.



## **APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES DRIVERS' LICENCES**

### **STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS**

When submitting an application for a licence to drive a hackney carriage or private hire vehicle you are requested to declare any convictions or cautions you may have, unless they are regarded as 'spent' under the Rehabilitation of Offenders Act 1974. The information you give will be treated in confidence and will only be taken into account in relation to your application. You are requested to produce your DVLA Licence when submitting your application.

You should be aware that the licensing authority is empowered in law to check with the Criminal Records Bureau for the existence and content of ANY criminal record held in the name of the applicant. Information received from the Criminal Records Bureau (which will include 'spent' as well as 'unspent' convictions) will be kept in strict confidence while the licensing process takes its course and will be retained for no longer than is necessary.

The Licensing Authority may take into consideration when considering your application any 'spent' convictions which are considered to be relevant to the determination of your application.

The disclosure of a criminal record or other information will not debar you from gaining a licence unless the City Council considers that the conviction(s) renders you unsuitable. In making this decision the City Council will consider the nature of the offence(s), how long ago and at what age you were when it was/they were committed and any other factors which may be relevant. The City Council has adopted the attached Guidelines Relating to the Relevance of Convictions.

Any applicant refused a drivers' licence on the ground that he/she is not a fit and proper person to hold such a licence has a right of appeal to a Magistrates' Court.

If you would like to discuss what effect a conviction may have on your application you may telephone the Licensing and Enforcement Officer on (01603) 212032 in confidence for advice

## **Handling of DBS certificate information**

### **Secure storage, handling, use, retention and disposal of certificates and certificate information.**

#### **General principles**

As an organisation using the Disclosure Barring Service (DBS) service to help assess the suitability of applicants for positions of trust, Norwich city council complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information. It also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

## **Storage and access**

Certificate information will be kept secure in a lockable office with access strictly controlled and limited to those who are entitled to see it as part of their duties.

## **Handling**

In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

## **Usage**

Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

## **Retention**

Once a decision on an application has been made, we do not keep certificate information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than six months, we will consult the DBS about this and will give full consideration to the Data Protection and Human Rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

## **Disposal**

Once the retention period has elapsed, we will ensure that any certificate information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the application decision taken.



## **APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCES**

### **GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS**

#### **GENERAL POLICY**

1. Each case will be decided on its own merits.
2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for three to five years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.
3. The following examples afford a general guide on the action to be taken where convictions are admitted.

##### **(a) Minor Traffic Offences**

Convictions for minor traffic offences e.g. obstruction, waiting in a restricted street, speeding etc., should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a disqualification of the applicant's driving then a hackney carriage or PHV licence may be granted after it's restoration but a warning should be issued as to future conduct.

##### **(b) Major Traffic Offences**

An isolated conviction for reckless driving or driving without due care and attention etc., should normally merit a warning as to future driving and advice given on the standard expected of hackney carriage and PHV drivers. More than one conviction for this type of offence within the last two years should merit refusal and no further applications should be considered until a period of one to three years free from convictions has elapsed.

##### **(c) Drunkenness**

###### **(i) With motor vehicle.**

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least three years should elapse (after restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic, a period of 5 years should elapse after treatment is complete before a further licence application is considered.

(ii) Not in a motor vehicle

An isolated conviction for drunkenness need not deter an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (i) above). In some cases, a warning may be sufficient.

(d) Drugs

An applicant with a conviction for a drug related offence should be required to show a period of at least three years free of convictions before an application is entertained, or five years after detoxification treatment if he/she were an addict.

(e) Indecency offences

As hackney carriage and PHV drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused until they can show a substantial period (at least three to five years) free of such offences. More than one conviction of this kind should preclude consideration for at least five years. In either case if a licence is granted a strict warning as to future conduct should be issued.

(f) Violence

As hackney carriage and PHV drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least three years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

(g) Dishonesty

Hackney carriage and PHV drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of three to five years free of conviction should be required before entertaining an application.

(h) Racially Aggravated and Racial Offences

An offence such as assault or criminal damage may be racially aggravated. An offence is racially aggravated if, at the time of committing the offence or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based upon the victim's membership (or presumed membership) of a racial group or if the offence is motivated (wholly or partly) by hostility towards members of a racial group based on their membership of that group.

A serious view should be taken of racially aggravated offences. An applicant with a conviction for a racially aggravated offence should be required to show a period of at least three years free of conviction before an application is entertained. A similar view should be taken of racial offences such as possession of racially inflammatory material. Racial offences and racially aggravated offences should be taken seriously because of the significant social damage done by offences and remarks of a racist nature.



**NORWICH**  
City Council

# **HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES**

**Consideration of criminal conduct, improper  
behaviour and complaints relating to existing  
licence holders and new applicants**

DRAFT

## Taxi and PHV Licensing Criminal Convictions' Policy

### 1. Introduction

The public are entitled to have the utmost confidence in drivers of taxis and private hire vehicles: therefore, the Council must ensure that only fit and proper persons obtain drivers' and operator licences.

The purpose of this policy is to provide guidance on the criteria taken into account by the Licensing Authority when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver or operator licence.

The overriding aim of the Licensing Authority is to protect the safety of the public.

The Licensing Authority is concerned to ensure:

- That a person is a fit and proper person
- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safeguarding of children, young people and vulnerable adults.

In this scheme "safeguarding" means the protection of children or vulnerable adults from harm to their health, safety, well-being or development and "safeguarding concern" means grounds to believe that the individual applicant or driver may not be a fit and proper person because grant, retention or renewal of a licence may risk such harm occurring. Vulnerable adult has the meaning as in section 59 of the Safeguarding Vulnerable Groups Act 2006.

This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:

- Applicants for drivers' licences
- Existing licensed drivers whose licences are being reviewed
- Councillors
- Licensing officers
- Legal officers
- Magistrates hearing appeals against local authority decisions

For renewal applications and current licence holders the policy will not be applied retrospectively.

However, the Policy will be applied to renewal and current licence holders if any additional convictions, cautions or complaints are incurred or brought to the attention of the Council that along with the historical information would call into question a person's suitability to hold a licence.

Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. Whilst officers will have regard to the guidelines contained in the policy, **each case will be considered on**

**its individual merits** and where the circumstances demand, the officer may pass the matter to the Councils Regulatory Sub-Committee.

All licences are issued with a set of Conditions which the licence holder must comply with. By-laws are also in place in relation to Hackney Carriage Drivers and proprietors. Copies are attached to every licence and are available on request. A repeated breach of licensed driver and or licensed vehicle conditions and or by-laws may also lead to a person having his hackney carriage/private hire driver licence suspended or revoked.

## **2. General policy**

There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are exceptional mitigating circumstances or alternatively where there are many or continuous offences or complaints which may show a pattern of offending and unfitness.

A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:

- Remain free of conviction for an appropriate period; AND show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

Where an applicant has been convicted of a criminal offence, the Licensing Authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

It is the responsibility of the applicant/licence holder to satisfy the Licensing Authority that they are a 'fit and proper person' to hold a licence. The applicant/licence holder must ensure that all convictions, cautions, warnings, reprimands, fixed penalties, arrests and summonses are disclosed to the Council.

## **3. Appeals**

Any applicant refused a driver's licence on the grounds that the Licensing Authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.

## **4. Powers**

Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the Licensing Authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.



The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the Licensing Authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

## 5. Consideration of disclosed criminal history

Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operator's licence is a '**fit and proper**' person to hold such a licence.

However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the Licensing Authority will look into:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of conviction
- Circumstances of the individual concerned
- Sentence imposed by the court
- The applicant's age at the time of conviction
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant

Existing holders of drivers' licenses are required to notify the Licensing Authority in writing **within seven days** of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).

Applicants can discuss further what effect a caution/conviction may have on any application by contacting a licensing officer in confidence for advice.

The Licensing Authority conducts enhanced disclosures from the Disclosure & Barring Service (DBS) formerly the Criminal Records Bureau (CRB) of any applicant for a drivers' licence.

Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an enhanced disclosure at their expense.

The licensing authority encourages applicants and licence holders to register for the DBS's update service and to nominate the licensing authority to receive updates. Registration lasts for 1 year and costs £13 per year.

The Licensing Authority is also entitled to use other records and information including any complaints history that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Licensing Authority or other Licensing Authorities, and information disclosed by the police under the Home Office scheme for reporting offences committed by notifiable occupations.

DBS disclosures will not include details of any foreign convictions or cautions unless they have been recorded on the UK National Computer. Any applicant who has resided outside the UK for any period longer than 3 months within the preceding 10 years, or since the age of eighteen, whichever is the lesser, will be required to produce a "Certificate of Good Conduct" from the relevant countries which details any cautions or convictions arising against the applicant while resident in that country. It shall be the applicant's responsibility to obtain this documentary evidence and to bear the costs of such. The requirement is in addition to the DBS disclosure.

Where an applicant is unable to obtain the above, a discussion will take place with the licensing manager to ascertain what alternative evidence should be provided. This may include character references from appropriate individuals or other bodies as to the applicants conduct whilst resident in the other country.

If character references are supplied the referee must have known the person applying for at least 5 years if they are a friend, neighbour or colleague. If the referee is a professional, i.e. teacher, solicitor etc then they must have known the person for at least 2 years.

The referee cannot be closely related to the applicant, in a relationship or live at the same address as the person applying.

### **Non-conviction information**

If an applicant has, on one or more occasions, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application. Such offences would include but is not limited to serious violent offences, offences involving child sexual exploitation and sex offences.

***The Licensing Authority considers cases to the civil burden of proof i.e. a "balance of probabilities" and is able to make a decision on the alleged offences regardless of whether a criminal conviction followed the offence.***

In assessing the action to take, the safety of the travelling public must be the paramount concern.

It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

The following lists are **not exhaustive** and any offences not covered by this Policy will not prevent the Licensing Authority from taking into account those offences. The seriousness of the offence and sentence imposed will be considered in making a determination of the application.

## **6. Sex and indecency offences**

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will normally be refused.

- Rape
- Assault by penetration
- Offences involving children, young persons or vulnerable adults
- Sexual Assault
- Indecent assault
- Abuse of position of trust
- Familial child sex offences
- Female circumcision
- Female genital mutilation
- Possession of indecent photographs, child pornography etc.
- Any offence involving child sexual exploitation and/or sexual exploitation of vulnerable adults
- Trafficking for sexual exploitation
- Preparatory offences
- Any sexual or indecency offence committed in the course of taxi or private hire work
- Exploitation of prostitution
- Indecent exposure
- Soliciting (kerb crawling)
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

In addition to the above the Licensing Authority will not grant a licence to any applicant who is currently on the Sex Offenders Register.

## **7. Offences against Children**

No period is thought appropriate to have elapsed and an application will normally be refused where the applicant has a conviction for an offence such as:

- Sexual activity with a child
- Causing or inciting a child to engage in sexual activity
- Causing a child to watch a sexual act
- Sexual activity in the presence of a child
- Arranging or facilitating child prostitution or pornography
- Arranging or facilitating commission of a child sexual offence
- Meeting a child following sexual grooming etc.
- Possession of indecent photographs of children

- Grooming of children for sexual exploitation
- Trafficking of children for sexual exploitation
- Supplying or offering to supply Class A drugs to a child
- Voyeurism

A licence will not normally be granted where the applicant has a conviction for an offence of similar offence(s) which replace the offences below and the conviction is less than 10 years prior to the date of application:

- Neglect of a child
- Child cruelty
- Abandonment of a child
- Drunk in charge of a child
- Under the influence of drugs in charge of a child
- Exposing a child to risk

## **8. Serious offences involving violence**

Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

In other cases anyone of a violent disposition will normally be refused to be licensed until at least 3 years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.

Unless there are truly exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Murder
- Manslaughter
- Infanticide
- Child destruction
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Kidnapping or abduction
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will not normally be granted where the applicant has a conviction for an offence of similar offence(s) which replace the offences below and the conviction is less than 10 years prior to the date of application:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent (s18 Offences Against the Person Act 1861)

- Grievous bodily harm (s20 Offences Against the Person Act 1861)
- Robbery (armed or otherwise)
- Possession or distribution of prohibited weapon or firearm
- Riot
- Common assault with racially aggravated features
- Violent disorder
- Threats to kill
- Any HATE motivated crime
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will not normally be granted where the applicant has a conviction for one of the offences listed below or for an offence which replaces or is broadly equivalent to the offences listed below and the conviction is less than 5 years prior to the date of application:

- Racially-aggravated criminal damage
- Racially-aggravated offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will not normally be granted where the applicant has a conviction for one of the offences listed below or for an offence which replaces or is broadly equivalent to the offences listed below and the conviction is less than 3 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm
- Assaulting a Police Officer
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Harassment
- Obstruction
- Criminal damage
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

In the event of a licence being granted, a strict warning both verbally and in writing should be administered.

## **10. Possession of a weapon**

If an applicant has been convicted of possession of a weapon or possession of a firearm or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public. Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

## **11. Dishonesty**

A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. All drivers are required to deposit such property with either the Licensing Authority or the police within 24 hours. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc.

Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

In general, a minimum period of 5 years free of conviction or at least 5 years from completion of sentence (whichever is longer) should be required before granting a licence. The more serious the offence the longer the period free of conviction should be. Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- deception designed to obtain a pecuniary advantage
- other deception
- taking a vehicle without consent
- or any similar offences (including attempted or conspiracy to commit) offences which replace the above.
- perverting the course of justice

## **12. Drugs**

A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of or cultivation of drugs and has not been free of conviction for 10 years.

A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.

An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

### **13. Driving offences involving the loss of life**

A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

A licence will not normally be granted where the applicant has a conviction for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving while unlicensed, disqualified or uninsured
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

Before a licence is granted, an applicant should be free of conviction for 10 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he has a conviction for:

- Causing death by careless driving

### **14. Drink driving/driving under the influence of drugs**

As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. Provided that a period of 3 years has elapsed since conviction an isolated incident would not necessarily debar an applicant from proceeding with an application but he should be warned as to the significant risk to his licence status in the event of re-offending.

More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. At least 7 years, after the restoration of the driving licence following a second conviction for driving or being in charge of a vehicle whilst under the influence of drink or drugs should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

## **15. General Traffic Offences**

An isolated conviction for reckless driving or driving without due care and attention etc, should normally merit a warning as to future driving and advice on the standard expected of hackney carriage and PHV drivers. More than one conviction for this type of offence within the last 5 years should merit refusal and no further application should be considered until a period of 3 years free from convictions has elapsed.

Similarly, a first conviction during the period of a hackney carriage or PHV drivers licence will lead to a warning as to future conduct, and may lead to revocation of that licence for subsequent convictions. At least 3 years should elapse (after the restoration of the DVLA licence) before the individual is considered for a licence.

### **Insurance offences**

A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years; however strict warning should be given as to future behaviour. More than one conviction for these offences would normally prevent a licence being granted or renewed.

At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would normally be granted for a hackney carriage or private hire drivers licence. An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will have his operators' licence revoked immediately and prevented from holding a licence for three years.

### **Using a mobile phone whilst driving**

Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research (see for instance <http://www.rospa.com/rospaweb/docs/advice-services/road-safety/drivers/mobile-phone-report.pdf>) which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:

- are much less aware of what's happening on the road around them
- fail to see road signs
- fail to maintain proper lane position and steady speed
- are more likely to 'tailgate' the vehicle in front
- react more slowly, take longer to brake and longer to stop
- are more likely to enter unsafe gaps in traffic
- feel more stressed and frustrated.

There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.

A licence will not normally be granted if an applicant has more than one conviction for an offence of using a mobile phone.



## **Penalty points – option 1**

Existing drivers who have accumulated 9 or more points on their DVLA driving licence will have their private hire/hackney carriage driver licence suspended, until the driver has successfully undertaken a private hire or hackney carriage DSA driving test, at their own expense.

New applicants are required, as part of the application process, to undertake a DSA driving test and therefore will be able to satisfy the Council of their driving ability.

## **Penalty points – option 2**

Convictions for minor traffic offences e.g. obstruction, waiting in a restricted street, speeding etc. may prevent a person from being granted a hackney carriage or private hire drivers licence if they have received more than 2 motoring convictions within the last 2 years.

The accumulation of 9 or more penalty points will cast grave doubts on the suitability of the applicant and could lead to the refusal of the application.

## **16. Outstanding charges or summonses**

If the individual is the subject of an outstanding charge or summons their application may in some circumstances continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.

Where information is received through the Notifiable Occupations Scheme on existing licence holders, consideration will be given to the information in accordance with this policy.

If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused. Existing drivers may have their licence suspended or revoked.

A suspension or revocation of the licence of a driver normally takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

***This section includes applicants or licensees who may be subject to police bail having been arrested for an offence and who is currently under investigation.***

## **17. Cautions**

Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

If an applicant has received a caution for a traffic offence, given the nature of the offence and the profession of a taxi driver, the applicant may be given a warning as to his/her future conduct.

Cautions for more serious offences could lead to refusal of an application or the suspension or revocation of a licence.

## **18. Licensing offences**

Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons or assistance dogs would normally prevent a licence being granted or renewed until a period of 3 years has passed since conviction.

## **19. Complaints**

We can take action up to and including suspension and revocation of a drivers licence if a complaint is made which suggests a driver's fitness & propriety is undermined This may be for a number of reasons including but not limited to the following:

- misconduct
- any behaviour, action or negligence impacting on customer safety
- driving standards
- physical or mental ill-health
- lack of the necessary knowledge of English language to be able to perform the role of a licensed driver safely.
- Mischarging
- Inappropriate or aggressive behaviour

The number and type of complaint(s) will be given consideration to and a driver's history will be examined to ascertain whether there have been previous complaints. Except in the most serious of cases, a driver will be given an opportunity to respond to the complaint before any action is taken.

## **20. Licenses issued by other Licensing Authorities**

Applicants who hold a licence with one Licensing Authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

## **21. Suspensions / Revocations**

A licence may be suspended by an Officer of the Council, with immediate effect, in the interest of public safety, in the following circumstances:

- a person is charged with a serious offence

- a person is under investigation for serious offences
- a person is deemed by a qualified general practitioner that the individual is unfit to drive taxi or private hire vehicles
- a person after experiencing a change in medical condition fails to provide proof of his/her fitness to drive taxi or private hire vehicles
- a person fails to provide proof of his/her fitness to drive taxi or private hire vehicles when reasonably required to do so, by an officer of the council
- a person fails to provide a valid photo card DVLA driving licence, when reasonably required to do so, by an officer of the council
- a person fails to provide a valid DBS application form when reasonably required to do so, by an officer of the council.

A licence will be revoked by an Officer of the Council with immediate effect in the interest of public safety in the following circumstances:

- a person's ordinary Road Traffic Act Driving licence is revoked or suspended
- a person is disqualified from driving for any period of time

## **22. Summary**

To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered.

However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.

Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.

While it is possible that an applicant may have a number of convictions that, individually, do not meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

Before a decision is made to refuse or revoke a licence, with exception of the circumstances in para. 21 above, a meeting will be held in order to afford an applicant or existing driver an opportunity to put their case.

In the Council's view this statement and the guidelines that follow are compatible with the rights and freedoms under the European Convention on Human Rights. This policy will be continuously monitored and, if necessary, a review will be undertaken.



<b>Report to</b>	Licensing committee 10 March 2016	<b>Item</b>  <b>7</b>
<b>Report of</b>	Head of citywide services	
<b>Subject</b>	Police Reform and Social Responsibility Act 2011: Late Night Levy	

**Purpose**

To inform members of the availability within Licensing Act 2003 for local authorities to introduce a Late Night Levy as contained in Part II of the Police Reform and Social Responsibility Act 2011.

**Recommendation**

That members note the report.

**Financial Consequences**

The financial consequences of this report are nil.

**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

## Report

1. In 2012 the Licensing Act 2003 was amended by the Police Reform and Social Responsibility Act 2011 in a number of ways.
2. One of the changes introduced the ability for local authorities to charge premises licensed to sell alcohol late at night, an extra fee. This is referred to as the Late Night Levy.
3. The levy may be introduced by a local authority as a means of raising a contribution towards the costs of policing the late-night economy. The majority of funds raised, at least 70%, are given over to the Police.
4. Attached to the report at appendix A is the latest guidance regarding the Late Night Levy, issued by the Home Office. This provides greater detail regarding the introduction, implementation and administration of the levy.



Home Office

# Amended guidance on the late night levy

24 March 2015

# Guidance on the late night levy

## BACKGROUND

- 1.1 The late night levy (“the levy”) is a power, conferred on licensing authorities by provision in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”). This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority’s area, as a means of raising a contribution towards the costs of policing the late-night economy.
- 1.2 The decision to introduce the levy is an option available to all licensing authorities in the whole of their respective areas. The levy will be payable by the holders of any premises licence or club premises certificate (“holders”), in relation to premises in the authority’s area, which authorise the sale or supply of alcohol on any days during a period (the “late night supply period”) beginning at or after midnight and ending at or before 6am.
- 1.3 A licensing authority is the authority which carries out licensing functions under the Licensing Act 2003 (“the 2003 Act”). The main licensing authorities, as defined in the 2003 Act, are:
  - The council of a district in England;
  - The council of a county in England in which there are no district councils;
  - The council of a county or county borough in Wales;
  - The council of a London borough.
- 1.4 The decision to introduce, vary or end the requirement for the levy must be made by the full council. Other decisions in relation to the introduction and administration of the levy may be delegated in the manner which the licensing authority considers most appropriate.

## INTRODUCTION OF THE LEVY

- 1.5 The decision to introduce the levy is for the licensing authority to make. The licensing authority is expected to consider the need for a levy with the chief officer of police and police and crime commissioner (“PCC”) for the police area in which it is proposed the levy will be introduced.<sup>1</sup> Local residents can use their existing rights to make representations and other channels of communication to call for the implementation of the levy in their area.
- 1.6 When considering whether to introduce a levy, licensing authorities should note that any financial risk (for example lower than expected revenue) rests at a local level and should be fully considered prior to implementation.
- 1.7 The licensing authority will decide the design of the levy. This includes the late night supply period, any exemptions or reductions that may apply and the proportion of revenue (after the licensing authority’s costs are deducted) which will be paid to the PCC, with the

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<sup>1</sup> In this guidance, a reference to a PCC includes the holder of the Mayor’s Office for Policing and Crime.



remainder being retained by the licensing authority to fund other activities as set out in paragraph 1.39.

- 1.8 The levy is a power and some licensing authorities will not consider that it is appropriate to exercise it. The licensing authority may wish to decide whether or not it believes it has a viable proposal to introduce the levy before incurring the costs of the formal consultation process. It is recognised that some licensing authorities may not have a large number of premises which are licensed to sell alcohol during the late night supply period. At this stage, some licensing authorities may decide that the levy will not generate enough revenue to make it a viable option in their area.
- 1.9 The late night supply period must begin at or after midnight and end at or before 6am. The period can be for any length of time within these parameters but must be the same every day. If licensing authorities decide that it would be appropriate that certain types of premises should not pay the levy, they can set the late night supply period to suit the opening times of premises in their local area (for example the supply period could begin at 1am).
- 1.10 The licensing authority must consider the desirability of introducing a levy in relation to the matters described in section 125(3) of the Police Reform and Social Responsibility Act 2011. These matters are the costs of policing and other arrangements for the reduction or prevention of crime and disorder, in connection with the supply of alcohol between midnight and 6am.
- 1.11 The licensing authority should discuss the need for a levy with the relevant PCC and the relevant chief officer of police. The licensing authority will then decide whether to move to the next stage in the process and consult on its proposal to introduce a late night levy. The consultation document will state its intention to introduce a levy, its proposed design (including the late night supply period and proposed exemption and/or reduction categories) and the services that the licensing authority intends to fund with its share of the levy revenue.
- 1.12 The licensing authority will publish the consultation online and in a local newspaper. It will also send written details to the PCC, the relevant chief officer of police and all premises licence and club premises certificate holders whose authorisations permit the supply of alcohol during the period when it is proposed the levy will apply. The consultation is intended to be targeted at those affected by the levy, particularly businesses, the police, residents and other interested parties. The consultation process, including the period, is expected to be proportionate and targeted, so that the type and scale of engagement is relative to the potential impacts of the proposal.
- 1.13 The licensing authority will assess consultation responses and make a final decision about whether to introduce (or vary) the levy and, if so, its design. The decision to introduce the levy, and its design, will then be put to the full council to approve.
- 1.14 If the full council approves the introduction (or variation) of the levy, it is recommended that the licensing authority notifies adjoining authorities. It would be helpful if licensing authorities also notified the Secretary of State for transparency purposes, via the Home Office.

## IMPLEMENTATION OF THE LEVY

- 1.15 The licensing authority must notify the relevant chief officer of police, the PCC and all holders of a licence or certificate in relation to premises which permit the supply of alcohol within the late night supply period (“relevant late night authorisation”) of the start date for the levy, the late night supply period, any exemptions and reductions, and how the revenue will be shared between the police force and licensing authority. Holders of relevant late night authorisations should also be notified of the date before which any applications for a minor variation must be made to the authority, as set out in paragraph 1.16. We recommend that licensing authorities set the start date of the levy no less than 3 months after those notifications to relevant persons of the introduction of the levy have been sent.
- 1.16 Holders with a relevant late night authorisation may make a free variation to their licence to reduce their licensed hours to avoid operating in the late night supply period. It is recommended that licensing authorities may wish to allow holders no less than 2 months to make such applications. The cost of processing free variations will be a deductible expense from the levy receipts in Year 0. Year 0 is the first year in which the levy is introduced by the licensing authority.
- 1.17 The licensing authority must publish online an estimate of the costs it will deduct from the levy revenue each year. The licensing authority will determine the manner in which any statement is published.
- 1.18 The levy will apply indefinitely until the licensing authority decides that the levy will cease to apply in its area. Licensing authorities may wish to review the requirements for the levy at appropriate intervals. A decision that the levy should cease to apply can only be made at the end of a levy year. Licensing authorities may wish to notify holders of a relevant late night authorisation of any such decision.

## DESIGN OF THE LEVY

- 1.19 The levy must apply to the whole of the licensing authority’s area. It will apply to all holders (on and off-trade) of relevant late night authorisations situated in the licensing authority’s area. Any such holder will be liable to pay the levy, regardless of whether the holder’s premises are actually operating during the period. For example, a holder in relation to a supermarket with a 24 hour licence will be required to pay the levy regardless of its actual opening hours.
- 1.20 As set out in paragraph 1.9, the late night supply period must begin at or after midnight and end at or before 6am. The licensing authority can decide the times within the late night supply period at which the levy will apply (which must be the same every day). The late night supply period cannot apply on different days or times.
- 1.21 The levy will apply to boats, which are licensed at the place where they are usually moored or berthed. It will also apply to mobile bars, which are required to be licensed at the place where they are parked and carry on the licensable activity.
- 1.22 The levy will not apply to Temporary Event Notices (TENs).

## EXEMPTIONS FROM THE LEVY

- 1.23 Licensing authorities may consider that there are some types of premises in relation to which the holder should not make a contribution towards the cost of policing the night-time economy through the levy. This is a local decision – the licensing authority should make its decision based on its knowledge of the night-time economy in the area, including information gathered through the consultation process.
- 1.24 Licensing authorities are not able to choose a category of premises for an exemption from the levy, if it is not prescribed in regulations. Likewise, licensing authorities are not able to exempt specific premises from the requirement to pay the levy.
- 1.25 Licensing authorities can decide, when considering the levy design, if any of the following permitted categories of premises should be exempt from the requirement to pay the levy. These exemption categories are specified in the Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012.
- 1.26 *Premises with overnight accommodation*: This exemption is not applicable to any premises which serve alcohol to members of the public who are not staying overnight at the premises, such as a hotel bar which can be accessed by the general public.
- 1.27 *Theatres and cinemas*: Premises in this category must ensure that, during the late night supply period, the sale of alcohol is only made for consumption on the premises to ticket holders, participants in the production or invited guests to a private event at the premises. Licensing authorities should be satisfied that premises which are eligible for this exemption are bona-fide theatres or cinemas, and that the sale of alcohol is not the primary purpose of their businesses. The definition of a “cinema” or a “theatre” should be readily understood by its plain, ordinary meaning.
- 1.28 *Bingo halls*: Premises in this category must be licensed and regulated under the Gambling Act 2005.
- 1.29 *Community Amateur Sports Clubs (“CASCs”)*: Premises in this category must have relief from business rates by virtue of being a CASC (Section 658 of the Corporation Tax Act 2010).
- 1.30 *Community premises*: Premises in this category must have successfully applied for the removal of the mandatory Designated Premises Supervisor (“DPS”) requirement and demonstrated that they operate responsibly.
- 1.31 *Country village pubs*: In England, premises in this category must be the sole pub situated within a designated rural settlement with a population of less than 3,000. The definition of a rural settlement appears in the qualifications for rural rate relief in Part III of the Local Government Finance Act 1988.
- 1.32 *New Year’s Eve*: Licensing authorities can offer an exemption from the levy for holders in relation to premises which are only have a relevant late-night authorisation by virtue of their being permitted to supply alcohol for consumption on the premises on 1<sup>st</sup> January in every year.

1.33 *Business Improvement Districts (“BIDs”)*: Licensing authorities can offer an exemption from the levy for premises which participate in BIDs that operate in the night-time economy and have a satisfactory crime and disorder focus. The Government would expect licensing authorities to carefully consider exempting eligible BIDs from the levy. It is up to the licensing authorities’ discretion to determine whether the BIDs in their area are eligible.

## REDUCTIONS FROM THE LEVY

1.34 Licensing authorities may wish to use the late night levy to promote and support participation by premises in business-led best practice schemes, including a BID (if this is not covered by an exemption as above). Licensing authorities can decide, when considering the levy design, if holders whose premises participate in such schemes should benefit from a reduction to the amount they are required to pay under the levy.

1.35 Eligible premises will receive a 30% reduction from the levy. There will be no cumulative discounts available for holders in relation to premises that are eligible for more than one reduction category. Licensing authorities can offer a reduction to best practice schemes that meet the following benchmarks specified in the Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012:

- A clear rationale as to why the scheme’s objectives and activities will, or are likely to, result in a reduction of alcohol-related crime and disorder.
- A requirement for active participation in the scheme by members.
- A mechanism to identify and remove in a timely manner those members who do not participate appropriately.

1.36 Licensing authorities have discretion as to how best practice schemes can demonstrate that they meet these benchmarks. We expect licensing authorities to use their existing partnerships with best practice schemes, and understanding of a scheme’s operation in their area, to identify eligible schemes in their areas. Licensing officials could visit representatives from best practice schemes in their area, or request written details of the scheme’s objectives, if they decide to consider this reduction category.

1.37 Licensing authorities can also offer a reduction to holders in relation to on-trade premises that are in receipt of Small Business Rate Relief (as specified in Part III of the Local Government Finance Act 1988) and have a rateable value of £12,000 or less. This reduction is only available to holders in relation to premises that supply alcohol for consumption on the premises. The relevant billing authority may have information on which premises in the licensing authority area are in receipt of Small Business Rate Relief.

1.38 If the licensing authority decides to introduce or remove categories of exemption and/or reduction after Year 0, they will need to follow the same procedure for consultation as set out in 1.11-1.13 though the consultation should only refer to the new proposal. If a licensing authority chooses to remove categories of exemption and/or reduction after Year 0, they should consider that the opportunity for businesses to make a free variation to their licence is only available when the levy is initially introduced.

## LEVY REVENUE

- 1.39 The net levy revenue must be split between the licensing authority and the relevant PCC. The licensing authority must pay at least 70% of the net levy revenue to the police. The licensing authority can choose to amend the portion of the net levy revenue that will be given to the PCC in future levy years. This decision must be subject to consultation in the same way as a decision to introduce the levy.
- 1.40 There are no restrictions on what the PCC's portion of the levy revenue can be spent on, in line with standard practice on the allocation of police funds. The PCC's proportion will be subject to the same transparency measures as those that apply in relation to other aspects of the operation of the PCC. The Police and Crime panel will be able to request any documents of the PCC in order to hold them to account in the allocation and use of their funds.<sup>2</sup>
- 1.41 We recommend that the licensing authority should use its existing partnership with the police to discuss the police intentions for their share of the levy revenue. We also recommend that the PCC should consider allocating the funds raised from the levy back to local commanders to allow the revenue to be spent on tackling alcohol-related crime and disorder in the area in which the levy was raised. There is no bar to making a local agreement between licensing authority and the PCC to vary the percentage split by allocating some or all of the PCC's share of the revenue back to local authority initiatives if the PCC so chooses.
- 1.42 Notwithstanding any such local agreements, the licensing authority is able to retain up to 30% of the net levy revenue to fund services it provides to tackle late night alcohol-related crime and disorder and services connected to the management of the night-time economy. Specifically, these activities must have regard to the connection with the supply of alcohol during the late night supply period and related to arrangements for:
- The reduction of crime and disorder;
  - The promotion of public safety;
  - The reduction or prevention of public nuisance; or
  - The cleaning of any relevant highway or relevant land in the local authority area.
- 1.43 A licensing authority can deduct the costs it incurs in connection with the introduction or variation, administration, collection and enforcement of the levy, prior to the levy revenue being apportioned between the police and licensing authority. Regulations have prescribed descriptions of expenses which may be deducted. As set out in paragraph 1.6, any financial risk relating to the levy revenue, such as lower than expected revenue or higher than expected costs, rests at a local level.

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<sup>2</sup> This excludes documents that are operationally sensitive or those that would compromise national security.

- 1.44 These deductible costs may include (but are not necessarily limited to) the following:
- The preparation and publication of the consultation document, including publishing it online and sending details to the PCC, the relevant chief officer of police and all premises licence and club premises certificate holders whose authorisations permit the supply of alcohol after midnight on any day.
  - The collection of levy payments.
  - The enforcement of levy payments.
  - The cost of processing applications for a variation in relation to the introduction of the levy.
- 1.45 There will be no specific restrictions on the amount of the expenses which licensing authorities can claim in expenses, however licensing authorities will have to account for their expenses following existing procedures. The Government may specify a cap on the amount of expenses in further regulations if considered necessary.

## LEVY CHARGE AND COLLECTION PROCESS

- 1.46 The amount of the levy will be prescribed nationally. The annual charges for the levy will be:

Rateable Value Bands (based on the existing fee bands)	A No rateable value to £4,300	B £4,301 to £33,000	C £33,001 to £87,000	D £87,001 to £125,000	E £125,001 and above	D x 2 Multiplier applies to premises in category D that primarily or exclusively sell alcohol	E x 3 Multiplier applies to premises in category E that primarily or exclusively sell alcohol
Levy Charges	£299	£768	£1,259	£1,365	£1,493	£2,730	£4,440

- 1.47 The levy charges are based on the current licence fee system under the 2003 Act, with holders being placed in bands based on their premises rateable value. A multiplier is applied to premises in Band D and E that primarily or exclusively sell alcohol for consumption on the premises to ensure that larger clubs and bars make a higher contribution towards the levy. Regulations include provision for premises that do not have a rateable value (Band A) or premises that are in the course of construction (Band C).
- 1.48 The levy will be collected at the same time as the annual licence fee (except in relation to holders premises who obtain a relevant late night authorisation during a levy year). The holder will, therefore, be required to pay the levy on an annual basis. For holders whose licences exist at the time that the first levy year begins, the payment year will be the same as the levy year.<sup>3</sup> These holders will make their first levy payment when they pay their annual fee. For holders who are granted a licence in the first or subsequent levy years, the payment year runs from the date of the grant of the licence and for each year thereafter. Their first payment will be made 14 days after the grant of the licence, and thereafter when they pay their annual fee.

<sup>3</sup> The payment year is the period by reference to which a licence holder's liability to the levy is determined. The levy year is the period during which the levy applies.



1.49 In the following circumstances, licensing authorities should adjust a holder's liability to the levy:

- A licence lapses under section 27 of the 2003 Act (that is if the holder of the licence dies, becomes mentally incapable, becomes insolvent, if the partnership holding the licence is dissolved or if it is a club, ceases to be a recognised club);
- An EMRO is made which prohibits premises from serving alcohol at any time when the levy applies.
- The amount of the levy reduction is the amount found by applying the formula:  $R = (L/365) \times N$  (see footnote<sup>4</sup>)

1.50 Licensing authorities have discretion to adjust a holder's liability if the licence is surrendered (for instance, because the licence holder ceases to trade). The circumstance for surrendering a licence will vary considerably from case to case; for instance, a licensing authority might choose to exercise this discretion for a long-term illness, but not when a licence holder surrendered a licence in anticipation of it being revoked. Holders whose licences are revoked for contravening the licensing objectives would not be eligible for a reduction.

1.51 Any payment of the levy which is owed to the licensing authority can be recovered as a debt due to the authority. Non-payment of the levy can result in suspension of a premises licence or suspension of club premises certificate.

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<sup>4</sup> R is the levy reduction, L is the amount of the late night levy payable by the holder of the relevant late night authorisation and N is the number of days in the payment year beginning on the day following the date on which the relevant event occurred







**REGULATORY SUB COMMITTEE**

**14:30 to 15:30**

**14 December 2015**

Present: Councillors Button (chair), Jones and Peek

Apologies: Councillors Boswell and Bradford

**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 drivers licence reference 15/01117/PHD3**

(The applicant attended the meeting for this item. The applicant produced his DVLA licence for inspection by the committee and confirmed he had chosen not to be legally represented.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his convictions on 15 November 2013 for driving without due care and attention and for leaving a vehicle in a dangerous place.

(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 applicant then left the meeting.)

**\*4. Application for renewal of a hackney carriage drivers licence reference 15/01984/HACKD (paragraphs 1 & 3)**

The licensing manager advised the committee that the applicant wished to be legally represented at the meeting. As it became apparent that the applicant's solicitor would not be able to attend the meeting, it was:

**RESOLVED**, unanimously, to defer this item to the meeting of the regulatory sub committee on 14 March 2016.

CHAIR



**REGULATORY SUB COMMITTEE**

**14:35 to 15:25**

**8 February 2016**

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

Apologies: Councillor Schmierer

**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 drivers licence reference 15/02226/PHD3 (paragraphs 1 & 3)**

(The applicant attended the meeting for this item. The applicant produced his DVLA licence for inspection by the committee and confirmed that he had no further convictions pending.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding the convictions on 8 February 2013, 1 July 2014 and 11 July 2014 all for exceeding the statutory speed limit on a public road.

The applicant explained that he wanted to work as a private hire driver in Norwich to build up his knowledge before possibly applying for a Hackney carriage licence.

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

**RESOLVED:-**

- 1) on the chair's casting vote, with Councillors Henderson and Button voting for and Thomas and Woollard voting against, 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; and
- 2) to ask the licensing manager to write to the applicant confirming that the grant of this licence was not a unanimous decision.

(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. Suspension/revocation of Norwich city council private hire drivers licence No. 15/01078/PHDRIV (paragraphs 1 & 3)**

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

The applicant explained the circumstances surrounding his convictions on 7 April 2014 and 11 July 2014 for exceeding the statutory speed limit on a public road and 4 July 2015 and 29 July 2015 for exceeding 30 mph on a restricted road.

**RESOLVED**, unanimously, to revoke licence number 15/01078/PHDRIV with immediate effect on the grounds of public safety.

The legal representative informed the applicant that the committee had carefully considered all of the documentation and the applicant's testimony. The members had concerns regarding the number of speeding convictions and that some of these had taken place with passengers in the vehicle. Two of these speeding offences had been committed in a very short period of time following an appearance at committee for previous speeding offences. The applicant had also said that a lack of concentration and momentum of the vehicle when driving downhill had contributed to these offences and members thought that as a professional driver, this was unacceptable.

The legal advisor informed the applicant that he would receive written notification of the committee's decision and that he had the right to appeal against the decision at the Magistrates' Court within twenty-one days of the date of this meeting.

The applicant then left the meeting.

CHAIR