

Licensing committee

Date: Thursday, 09 June 2016

Time: 16:30

Venue: Mancroft room

City Hall, St Peters Street, Norwich, NR2 1NH

Committee members:

Councillors:

Button (chair)
Ackroyd
Brociek-Coulton
Davis
Driver
Herries
Jones (B)
Jones (T)
Malik
Price
Raby
Thomas (Vi)
Woollard

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Agenda

1 Appointment of vice chair

To appoint the vice chair for the upcoming civic year

2 Apologies

To receive apologies for absence

3 Declarations of interest

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

4 Public questions/petitions

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

5 Minutes

5 - 8

To agree the accuracy of the minutes of the meeting held on 10 March 2016

6 Amendments to the Norwich Hackney Carriage and Private Hire Licensing policy to include a safeguarding Code of Conduct and mandatory awareness training requirements

9 - 14

Purpose - The Licensing Committee are asked to consider amendments to the current Norwich City Council Hackney Carriage and Private Hire Licensing Policy to include safeguarding requirements.

7 Hackney Carriage and Private Hire Drivers licences Consideration of criminal conduct, improper behaviour and complaints relating to existing licence holders and new applicants

15 - 62

Purpose - For members to consider a minor alteration to the 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.

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|-----------|--|------------------|
| 8 | Police Reform and Social Responsibility Act 2011 Late Night Levy | 63 - 80 |
| | <p>Purpose - To update members regarding the viability of introducing a Late Night Levy under the Licensing Act as amended Part II of the Police Reform and Social Responsibility Act 2011.</p> | |
| 9 | Members of the licensing committee serving on licensing sub-committees | 81 - 82 |
| | <p>Purpose - To inform members of alterations to the selection of members serving on licensing sub-committees</p> | |
| 10 | Hackney carriage licensing policy | 83 - 112 |
| | <p>Purpose - To consider a minor alteration to the 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.</p> | |
| 11 | Standing item - Regulatory sub committee minutes | 113 - 116 |
| | <p>To receive the minutes of the regulatory sub committees held on 14 March 2016 and 9 May 2016</p> | |

Date of publication: **Wednesday, 01 June 2016**



Licensing committee

16:30 to 18:00

10 March 2016

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

Apologies: Councillors Boswell and Jones

1. Public questions/petitions

A public question was received from Craig Dimbleby:

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

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

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

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

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

The chair replied:

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

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

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

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

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

Mr Dimbleby asked the supplementary question:

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

The licensing manager replied:

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

2. Declarations of interest

There were no declarations of interest.

3. Minutes

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

4. License and registration fees

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

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

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

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

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

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

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

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

RESOLVED, unanimously, to:

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

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

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

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

7. Standing item – Regulatory subcommittee minutes

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

CHAIR

Report to	Licensing committee	Item
	9 June 2016	
Report of	Head of citywide services	6
Subject	Amendments to the Norwich Hackney Carriage and Private Hire Licensing policy to include a safeguarding Code of Conduct and mandatory awareness training requirements	

Purpose

The Licensing Committee are asked to consider amendments to the current Norwich City Council Hackney Carriage and Private Hire Licensing Policy to include safeguarding requirements.

Recommendation

It is recommended that members resolve to:

- 1) Approve a drivers' Code of Conduct for inclusion in the 'Green Book'.
- 2) Include a mandatory requirement for safeguarding awareness training in the drivers licence grant/renewal application process.

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 Kendrick – Neighbourhoods and community safety

Contact officers

Tony Shearman, licensing manager

01603 212761

Background documents

None

Report

1.0 Background

1.1 During recent times there has been significant media interest about the role of taxi drivers and licensed premises in sexual exploitation over years of abuse noticeably in Rochdale and Rotherham. There are other less reported cases in the press, including Milton Keynes.

1.2 There has been criticism directed at local authorities about the lack of confidence and arrangements to manage and deliver the licensing functions with the focus on taxi licensing and this failure is putting people at risk of exploitation.

1.3 A report supported by the Home Office, recommends a number of actions which have been assembled into a 'Taxis and licensing safeguarding action plan', which has been adopted by the Norfolk Safeguarding Children Board and Norwich City Council.

Actions agreed in the action plan include the following:-

- Taxi drivers to be included in the preventative agenda by encouraging recognition and referral of those at risk. Also needs to cover issues around appropriateness of taxi driver behaviours and communication with customers.
- Training provided to taxi drivers and be mandatory as part of the application process.

2.0 Safeguarding Code of Conduct

2.1 The current taxi policy has limited safeguarding information and does not contain details of the expectations of drivers, neither are there details of role of social media and what to do if they become aware of safeguarding issues and where to report this information. The Licensing Team have worked on a standard Code of Conduct which we are asking Members to approve, a copy of which is attached at appendix A. On approval we will add the Code of Conduct to the current drivers' information/conditions/policy document, known as the 'Green Book'.

3.0 Knowledge awareness

3.1 The licensing trade (all functions) could act as the 'eyes and ears' for safeguarding as we aim to raise the profile of safeguarding including what to look out for, how to deal with the information on disclosure and who to report the information to. As part of this we see the role of the taxi trade as a key partner as they are often alone with vulnerable clients as part of school contracts and as service providers to the night time economy. We are therefore seeking approval to add a requirement to the application/renewal process for safeguarding training to be provided to them. The format of the training has been put together by Norwich City Council's Early Intervention and Community Safety Manager and an external training provider appointed. Existing licensed drivers have already been given an opportunity to voluntarily attend the training, some of which will have been undertaken prior to this meeting.

4.0 Options

| The Committee may

- Grant the policy updates as requested
- Refuse to grant the policy updates as requested
- Amend the policy updates as they see fit.

5.0 Reasons for Recommendation(s)

5.1 To ensure the required safeguarding measures are put in place to protect the public

6.0 Risk

6.1 There are risks associated if we fail to not implement safeguarding good practice which could result in vulnerable people, including children, being put at risk of harm.

6.2 There are significant reputational risks associated with not implementing adequate safeguarding measures.

DRAFT

Code of Conduct Hackney Carriage and Private Hire Drivers

Hackney Carriage and Private Hire Drivers (referred to in this document as Drivers) are in a position of trust in respect of the safety and welfare of their passengers. The Licensing Authority, through its licensing team and committees, have to ensure that all Drivers are 'fit and proper' to undertake their work as Drivers and that they also act as ambassadors for the district. It is essential that the Council and Drivers work together in order to ensure members of the public are treated with dignity and respect, including reporting any concerns.

On occasions, drivers may become aware of, or have suspicions that, their passengers may be the victim of abuse, neglect or exploitation either sexual or otherwise, or at risk of becoming a victim. In addition, drivers themselves may be accused of misconduct or inappropriate behaviour through the misinterpretation of the driver's actions or conversation.

Therefore, Norwich City Council is proposing to introduce this **Code of Conduct** which is aimed at providing the best possible service by protecting both passengers and drivers. This ensures that concerns, suspicions of abuse, neglect or exploitation can be reported appropriately and minimise the risk of misunderstandings.

Drivers are expected to comply with this Code of Conduct. Failure to do so may result in the driver being referred to the Regulatory Sub Committee to explain the circumstances surrounding any incident. In the event of a repeated and/or serious failure to comply, drivers can expect that consideration will be given to the suspension or revocation of their licence.

It should be noted that the code does not override any obligations that are enshrined in legislation, licence conditions or other contractual obligations, such as County Council contracts.

Drivers should:

- Act in a professional manner at all times
- Treat passengers and other road users with respect
- Keep relationships with passengers on an appropriate, professional basis
- Respect all individuals – regardless of age, disability, gender, sexual orientation, gender reassignment, religion/belief, language spoken, race or ethnicity

And be aware of:

- Safety and well-being of passengers must be paramount
- The importance of the use of appropriate language
- Be aware of the vulnerability of children and adults
- Be aware of passengers with special needs
- Any instruction given about the care or first aid requirements of a passenger
- Personal beliefs and standards, including dress and religion
- Passengers misreading situations
- The use of social networking sites such as Facebook and Twitter. These are public websites and therefore passengers conveyed may access a Driver's site. Ensure you use the appropriate privacy settings to avoid passengers viewing your social media sites

Drivers should never:

- Become over-friendly or unprofessional in any way with passengers or engage in any form of inappropriate relationship, infatuation or show favoritism
- Inappropriately touch a passenger, unless in an emergency situation, or if required to do so because of the additional needs of the passenger
- Administer medication unless a specific request has been made by the hirer
- Photograph or video passengers in your care unless used in compliance with data protection legislation and any relevant codes of practice issued by the Home Office or Information Commissioner's Office
- Engage with passengers through social networking sites (such as Facebook and Twitter), instant messengers or any other online communication software such as mobile phone applications or video games
- Phone or send text messages to passengers other than directly concerning the hiring of your vehicle
- Swear, make personal/humiliating comments, make comments that could be perceived to be hate crime, or tell inappropriate jokes in person or by any other means e.g. social media
- Offer or accept sweets, cigarettes or gifts of any sort
- Stop anywhere other than the specified pick up/drop off points unless requested by the hirer
- Show passengers videos or pictures on your mobile phone or any other electronic device

Safeguarding:

If a driver has concerns or suspects abuse, neglect or exploitation of a passenger then these should not be ignored. If there are any suspicions or concerns about the way someone is being treated it is important to report this. The safeguarding of children and vulnerable adults is everybody's responsibility. Remember that your information could help a vulnerable child or adult.

If a driver is working under a Norfolk County Council contract then their documents and guidance procedures should be followed alongside any training received by the driver.

Otherwise, the following procedures should be complied with in reporting any information or suspicions you may have of anyone being subject to abuse, neglect or exploitation:

Action to be taken if you have concerns:

- If your concerns are of an urgent matter or you believe that a crime has been committed and there is an immediate risk of danger, telephone the police emergency number, **999 or 112**
- If you are suspicious or are concerned that a child or an adult is suffering or is likely to suffer significant harm, including any form of mistreatment, abuse, neglect or exploitation but it is not of an urgent matter, please contact Norfolk Constabulary on **101**.

Report to	Licensing committee	Item
	9 June 2016	
Report of	Head of citywide services	7
	HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES:	
Subject	Consideration of criminal conduct, improper behaviour and complaints relating to existing licence holders and new applicants	

Purpose

For members to consider a minor alteration to the 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

That members resolve to include the minor alteration as detailed in the report.

Corporate and service priorities

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

Financial implications: None

Ward/s: All wards

Cabinet member: Councillor Kendrick – Neighbourhoods and community safety

Contact officers: Tony Shearman, licensing manager 01603 212761

Background documents: None

1.0 Report

- 1.1 At the last Licensing committee meeting, 10 March 2016, members agreed to introduce the policy as attached at appendix A.
- 1.2 Section 21 of the policy sets out the circumstances whereby an officer of the council, of at least Head of Service level, may suspend a hackney carriage or private hire drivers licence in the interests of public safety.
- 1.3 In the past, interim suspension of such a licence has been considered an appropriate method of ensuring public safety is maintained, whilst a formal outcome is awaited, where serious allegations are concerned.
- 1.4 As a result of a court case, R-Singh-v-Cardiff-City-Council-2012-EWHC-1852-Admin – copy attached at appendix B, and advice from our legal advisors, interim suspension of a licence, pending the outcome of an investigation or court case, may not be option available to the local authority. This is due to the courts' opinion that any suspension is considered a final outcome of the consideration of a case, rather than an interim measure, as detailed in para. 103 of the decision.
- 1.5 Therefore, in order for the Head of Service to be able to deal appropriately with allegations of a serious nature against a licensed driver, consideration would need to be given as to whether a licence revocation would be necessary, taking into account the full details available at the time.
- 1.6 As the current policy only caters for the Head of Service to suspend a licence, it is recommended that section 21 is amended to include the words 'or revoked' as set out below:-

'21. Suspensions / Revocations

A licence may be suspended or revoked by an Officer of the Council, of at least Head of Service level, with immediate effect, in the interest of public safety

2.0 Options

The Committee may

- Grant the policy update as requested
- Refuse to grant the policy update requested
- Amend the policy update as they see fit.



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**

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 applicant's 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 with 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

Unless there are truly exceptional circumstances 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, or for a 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, or for a 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 is likely to have their 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 whilst driving.

Minor convictions and penalty points

Convictions for minor traffic offences e.g. obstruction, waiting in a restricted street, speeding etc. may prevent a person from being granted or keeping 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 6 or more penalty points within the last 12 months will cast grave doubts on the suitability of the applicant/licensed driver, and could lead to the refusal of the application or suspension/revocation of a licence.

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, of at least Head of Service level, 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.

Where a licence is suspended under the above circumstances, the matter will be reported to the Regulatory Sub-Committee at the next available meeting.

A licence will be revoked by the Officer of the Council, who fulfils the duties of the Licensing Manager, 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.

ITEM 7
APPENDIX A

This policy will be continuously monitored and, if necessary, a review will be undertaken.

CO/10807/2011
Neutral Citation Number: [2012] EWHC 1852 (Admin)
IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT
Cardiff Civil Justices Centre
2 Park Street
Cardiff CF10 1ET

Wednesday, 23rd May 2012

B e f o r e:

MR JUSTICE SINGH

Between:
THE QUEEN ON THE APPLICATION OF SINGH
Claimant

v

CARDIFF CITY COUNCIL
Defendant

Mr G Walters (instructed by Crowley Solicitors) appeared on behalf of the
Claimant
Mr P Morris (instructed by Cardiff City Council) appeared on behalf of the
Defendant

MR JUSTICE SINGH:

Introduction

1. The principal claimants in this claim for judicial review are two holders of Hackney Carriage drivers' licences. The defendant is a County Council which is a unitary authority but which for present purposes exercises the functions of the District Council in relation to the licensing of Hackney Carriages and private hire vehicles.

2. The principal claimants challenge in particular decisions taken by the

defendant on 9th August 2011 to revoke their licences.

3. The defendant authority is the successor to the former Cardiff City Council. There are two other claimants in these proceedings which are companies referred to in the first witness statement of Mr Carl Cummings in support of the present claim for judicial review at paragraphs 2 and 3. The first of those is Prime Outlet Ltd which owns and is the proprietor of 133 Hackney Carriage vehicles in the Cardiff area. The company also provides private hire vehicles. Mr Cummings informs the court that he is the major shareholder in that company.

4. The other corporate claimant is SupaTax 2000 Ltd which owns a taxi booking business which Mr Cummings informs the court is used by over 20,000 passengers in Cardiff every week. He is also the major shareholder in that company and is its sole Director.

5. Permission to bring this claim for judicial review was granted after an oral hearing by Bean J on 13th February 2012. In the course of his judgment in granting permission Bean J extended time to bring the claim in the case of Mr Singh (see paragraph 14 of that judgment). Bean J did not expressly, it would seem, deal with the question of the standing to bring these proceedings of the two corporate claimants in this case. The defendant authority in its written submissions has objected to their standing. No vigorous opposition was pursued at the oral hearing before me on that basis. Nevertheless, standing is not something which can be conferred by consent and it is appropriate that I should say something about it albeit briefly.

6. Suffice it to say that having considered the material and submissions in this case, I am satisfied that both of the corporate claimants do have sufficient interest in the matters to which this claim for judicial review relates. They are not individual holders of licences, so in that sense they cannot be said to be directly the subject of the revocations by the defendant of which complaint is made. Nevertheless, I am satisfied on the evidence and submissions which have been placed before the court that they are not, for example, mere busy bodies. They have a legitimate interest in the matters to which these proceedings relate and accordingly I conclude that they do have standing to bring these proceedings along with the individual claimants.

Factual Background: the development of policy

7. The background to these individual cases can be traced back, so far as the

efforts of the parties have been able to ascertain, to a report dated 14th September 1988 to the then City Council. The report was by the City Environmental Health Officer to its Licensing Committee and was entitled "Conduct of Hackney Carriage. Private Hire drivers".

8. Paragraph 1 explains that the purpose of the report was to consider the introduction of a penalty points scheme for implementation in the event of misconduct by licensed Hackney Carriage/Private Hire drivers. By paragraph 2, by way of background it was observed that the misconduct of licensed drivers can be actioned in one of two ways: (a) for a specific offence under bylaws or the Local Government (Miscellaneous) Provisions Act; (b) for other matters action can be taken under section 61 of the same Act.

9. As was observed at 2(1B) that section allows a relevant Council to suspend or revoke a driver's licence on the following grounds:

1. that since the grant of the licence he has been convicted of an offence involving dishonesty, indecency, violence or an offence under this or the Town Police Clauses Act 1847;

2. For any other reasonable cause. Paragraph 3 of the report was headed "present difficulty" and stated:

"3.1 The actions available to the Licensing Committee under paragraph 2(b) above appear wide ranging, but in practice are limited in that the decision to be made is in effect whether or not the driver in question is a 'fit and proper' person.

3.2 If it is decided that the driver is not, then the only real avenue available is to revoke the licence.

3.3 This results in no action being taken against licensed drivers who are guilty of misconduct, the magnitude of which does not warrant revocation."

Paragraph 4 of the report headed "proposals" stated:

"4.1 In order to bridge the gap that exists for action against licensed drivers involved in this misconduct, a penalty points system could be adopted for use by this Committee.

4.2 Instead of considering alleged offenders for suspension or revocation. The

Committee consider action by way of revocation or disciplinary action.

4.3. In the event of disciplinary action being deemed appropriate the offender be given penalty points, the number depending upon the severity of the offence.

4.4. The accumulation of more than 10 penalty points within a period of 3 years results in the automatic revocation of the driver's licence involved.

4.5 In cases of automatic suspension the driver involved will still have a right of appeal to the Magistrates' Court."

10. The recommendations at the end of the report were (i) the Committee adopt a penalty point scheme based on the proposals contained in that report; (ii) that the system be implemented from 1st October 1988; and (iii) that the trade be informed of the adoption of the scheme.

11. On that date, 14th September 1988, the relevant Committee of the City Council resolved to adopt the penalty point scheme based on the proposals contained in the report from 1st October 1988 for a 12 month trial period and to inform the trade of that scheme.

12. There is before the court next in time a report of the Director of Environmental Services to the City Council's Licensing Committee dated 7th December 1988, entitled "Penalty point system". In paragraph 4, which was headed "Discussion", the period adopted for the accumulation of penalty points was noted to be fixed as 3 years, as a reasonable period.

At paragraph 4.4 it was noted:

"The Committee has the right to revoke drivers' licences if offences are severe and to have penalty point range up to 10 is not necessary."

At paragraph 4.6 it was stated:

"The implementation of a penalty points system involves the consideration of offences by the Licensing Committee and if necessary the awarding of penalty points, the number of which will depend on extent and degree of the offence."

At 4.7 it was stated:

"The adoption of the penalty point system does not remove the authority of the Licensing Committee to revoke licences instantly outside of the points system for major offences."

13. On that date, 7th December 1988, the relevant Committee passed a resolution to introduce a penalty point system from 1st October 1988 for a 12 month period and for this to be reviewed after 12 months in October 1989. There is then before the court a resolution of the Licensing Committee of the City Council on 11th October 1989, which refers to the penalty point system review and resolved to amend the penalty point system guidelines relating to the persistent receipt of stop notices in the manner set out in more detail in that resolution.

14. At some point, although the date is not entirely clear, for reasons which are not material, a crystallised form of the relevant policy was arrived at. As it happens the document which is before the court bears the date in a footer of 16th April 1993 but it is not clear that it was in fact adopted on that date, it may well be that that was simply a date when a particular person printed the document out. It is to be noted, as I will mention later, that there has been an amendment to the policy in December 2011. The document produced on that occasion still has in its footer the date of 16th April 1993.

15. Be that as it may, it is common ground before me that the document which is before the court does set out the policy as it was in force at the time of the two individual decisions which are in issue in the present case. The document is headed "Penalty point system" and states:

"The Licensing Committee agreed to introduce a Penalty Point system to be utilised in the event of misconduct by licensed Hackney Carriage/Private Hire Drivers. As a consequence the Licensing Committee defined guidelines for the administration of the system and resolved that.

(i) the categories of offences, together with the range of penalty points listed below be adopted as guidelines, and each matter be considered on its merits and depend on the circumstances surrounding each case."

There then followed headed (a) to (g) a number of types of incident, for example assault, harassment, deception etc with a points range set out for each type of incident. The policy continued at paragraph 2:

"the accumulation of 10 or more points in any period of 3 years will normally result in the automatic revocation of the licence."

16. As I have said, the policy was amended after the particular decisions under challenge in this case in December 2011, paragraph 2 of the policy now states:

"The accumulation of 10 or more points in any period of 3 years will normally result in the revocation of the licence."

17. Some other documents were drawn to the court's attention as to the general background in this case. First, there are the minutes of a meeting of the Licensing and Public Protection Committee dated 2nd May 2001, on the subject of Hackney Carriage/Private Hire matters and in particular the conduct of their drivers and the penalty points system.

18. In the relevant minute it was recorded that:

"This Committee at its meeting on 6th March 2001... requested clarification of the guidelines for imposition of penalty points on new licences. The chief legal services officer advised that the penalty points scheme was introduced by the former Cardiff City Council in 1988 to cover a deficiency in the legislation relating to the discipline of drivers. Under the legislation the only sanction available against a driver who has committed misconduct was to suspend or revoke his licence.... proved to be too harsh a penalty for particular respondent in question. The penalty points scheme therefore provided for an accumulation of points for misconduct as a driver or other matters which related to a person's fitness to be a driver. If 10 points were reached within a period of 3 years, the Committee would deem a driver not a fit and proper person to hold a licence and revoke his licence on the grounds of reasonable cause, namely an accumulation of incidents."

19. On behalf of the claimants before me, particular reliance has been placed on the reference in that minute to the advice that there was "a deficiency in the legislation relating to discipline of drivers".

20. In similar vein another document has been drawn to my attention which consists of questions to the chairpersons of the Committees dated 10th May 2001, when in response to a question about taxi drivers in Cardiff, the relevant Chairperson of the Licensing and Public Protection Committee replied:

"The existing legislation covering the disciplining of licensed drivers is deficient in that the only sanction against a driver is to revoke a licence. For

many issues this sanction is often too harsh a penalty. The penalty points scheme was introduced to provide a penalty short of revocation that encourages drivers to improve the service they offer ..."

Finally, in respect of the general background my attention has been drawn to a report of the Chief Legal Services officer to the Licensing and Public Protection Committee dated 5th February 2002, on the subject of the determination of applications for Hackney Carriage/Private Hire drivers licences and disciplinary hearings.

21. At paragraph 2.3 of that report, extensive reference was made to the introduction of the Human Rights Act 1998 which had come into full force on 2nd October 2000. In the course of the discussion it was noted that:

"The decisions of the Council are subject to judicial review and where a licence is revoked or refused then there is a right of appeal."

Reference is made to case law on the question of compatibility of administrative decision making of this kind with Article 6 of the Convention rights which is set out in schedule 1 to the 1998 Act and confers the right to fair hearing in, for example, the determination of a person's civil rights and obligations.

22. Section 3 of the report dealt with existing procedure and set out at some length in detail, which it is not necessary to reproduce in the course of this judgment, the various steps which are available to a person affected by the relevant disciplinary hearings. In particular, it can be noted that at 3.2.2, the licence holder is invited to appear before the Committee and details of the possible decisions are also provided in advance of the meeting. At 3.2.7 it is noted that the licence holder is given an opportunity to address the Committee and to call such witnesses or present such evidence as they may wish.

3.3 stated:

"Under the legislation, the only sanctions available against a driver who has committed misconduct are to suspend or revoke his licence. These sanctions will frequently prove to be too harsh a penalty for the particular misconduct in question. However, an accumulation of incidents will usually mean that a driver is no longer to be regarded as a fit and proper person to hold a driver's licence. The Committee has therefore adopted a Penalty Points Scheme. Under this Scheme the Committee, instead of exercising its statutory powers

of refusal, suspension, or revocation, can impose penalty points in respect of a driver's misconduct, or other matters which relate to his fitness to be a driver. If 10 points are reached within a period of three years, the Committee will deem a driver to be not a fit and proper person to hold a licence, and revoke his licence on the ground of 'reasonable cause' namely, an accumulation of incidents. At that time there will be a right of appeal to the Magistrates' Court."

Appendix C to the report set out in further detail the various procedural steps which are available, in particular, the right of a person to make representations and to bring witnesses to speak on relevant matters.

23. It should be also be noted at paragraph 3A(iii) of the appendix, it is stated that one of the purposes of the hearing is for the Committee to consider whether disciplinary action should be taken. On behalf of the defendant before me, it was submitted that made it clear that the question of whether disciplinary action should be taken was not a foregone conclusion but was for determination at the relevant hearing.

24. On behalf of the defendant it was also drawn to my attention that appendix B to the report at paragraph (1A) states that each case will be decided on its own merits. However, I have not found that particular reference to be of assistance in this case. This is because that is not directly relevant to the issues which arise before me, appearing as it does in appendix headed "guidelines relating to the relevance of convictions".

The facts in the case of Mr Singh

25. On 14th August 2009 the senior licensing officer of the defendant Council sent a letter to Mr Singh enclosing a report which he proposed to put before the next Public Protection Committee meeting on 8th September 2009. This report noted that Mr Singh had been licensed on the last occasion on 4th June 2009 and his licence was to expire on 25th June 2010 and he had a Hackney Carriage/Private Hire driver's badge.

26. The report also noted on 4th June 2009, when reviewing his licence, Mr Singh had disclosed that he had three motoring convictions recorded on his DVLA licence between November 2008 and March 2009; the details need not be set out for present purposes. On 14th September 2009 the Council wrote to Mr Singh to inform him that the Public Protection Committee on 8th September 2009, after careful consideration had resolved to impose six

penalty points against him, that is under the relevant scheme which the Council had adopted. The letter continued that this had resulted from the three motoring convictions which he had disclosed.

The letter concluded:

"You should note that this will be kept on your file and the accumulation of 10 or more penalty points in any 3 year period will result in the automatic revocation of your licence."

27. Against that background there then took place an incident which is recorded in a road worthiness prohibition notice, dated 25th February 2011. The particular defect which had been discovered by the relevant agency was that Mr Singh's vehicle had a non steered axle tyre tread worn beyond its legal limit on the nearside. In consequence the relevant officer at the Council sent a letter to Mr Singh dated 16th May 2011, enclosing a report which he intended to make to the Public Protection Committee at its next meeting on 7th June 2011. That report observed the background facts including that Mr Singh had been first licensed in June 1998. It noted the events of the 25th February 2011 and in particular the defect which had been found in the nearside tyre.

28. At its meeting on 7th June 2011, the Public Protection Committee resolved to impose four penalty points on Mr Singh and therefore his licence was revoked.

29. Mr Singh was notified of that decision in a letter from the relevant officer dated 8th June 2011.

He stated:

"You already have six penalty points recorded from 8th September 2009 in respect of motoring convictions recorded against you between November 2008 and March 2009 and as a result you have 10 penalty points within a 3 year period and therefore your Hackney Carriage/Private Hire driver's licence has been revoked. Your licence was therefore revoked on the following grounds."

There was then set out the language of the relevant provision of section 61(1) of the Local Government (Miscellaneous) Provisions Act 1976 to which I will return. The letter concluded by informing Mr Singh that section 61(3) of the Act enabled him to appeal to a Magistrates' Court within 21 days of receipt of

the letter.

30. In a letter dated 21st June 2011 Mr Singh wrote to the Council to appeal against its decision to revoke his licence. In his grounds of appeal he submitted that the penalty of four points in respect of the tyre incident was excessive. He said that approximately 3 weeks prior to his penalty he had obtained information that another gentleman had received two points for the same offence. He asked the Council to consider his appeal favourably due to the fact that this is his only source of income and he has a mortgage and three children to support.

31. By a letter dated 12th July 2011 the relevant officer of the council wrote to Mr Singh enclosing a report which he intended to make to the next Public Protection Committee at its meeting on 9th August 2011. This report noted the background facts and noted that Mr Singh had appeared before the Committee on 7th June 2011, and that he had been penalised with 4 points on that occasion. It noted Mr Singh had already accumulated 6 penalty points on his licence due to three motoring convictions and therefore his licence was revoked. The report continued that Mr Singh felt that penalising him with 4 points was severe as drivers had appeared before the Committee on 10th May 2011 had only received 2 points per illegal tyre. It stated that Mr Singh felt that he should have been given the same punishment and if he had been he would now have 8 points but still have his licence. It concluded that Mr Singh wished the Committee to reconsider their decision to revoke his licence and award it 2 points instead of 4 and allow him to keep his licence.

32. At its meeting on 9th August 2011, the Committee resolved not to review the previous disciplinary action in respect of Mr Singh. By a letter dated 11th August 2011 the relevant officer at the Council wrote to inform Mr Singh of the outcome.

He said that the Committee on 9th August 2011:

"decided not to reconsider your revocation and said they had made their decision and any appeal against that decision would be a matter for the Magistrates' Court."

The court has been informed that subsequently Mr Singh has appealed against his revocation to the Magistrates' Court, but that that appeal has been adjourned pending his claim for judicial review.

The facts in the case of Mr Morrissey

33. The relevant facts can conveniently be taken by the way of background from a letter dated 3rd June 2011, from the licensing enforcement officer to the senior licensing officer with the Council. The letter states that on 25th May 2011 the officer on duty in Cardiff City Centre, together with another enforcement officer, at 21.20 hours saw a Hackney Carriage stationary and unattended in St Mary's Street opposite the designated rank. He noted the "For Hire" light was illuminated, he also noted that the vehicle was not displaying the driver's identity badge in the front windscreen.

34. Whilst examining the vehicle the officer was approached by a male person, now known to be Mr Morrissey, who is a licensed driver. The letter continued that it became apparent that he was the driver of the vehicle. He asked "what are you doing?" The officer pointed out the failure to display the badge and asked him where the badge was, he replied: "I changed cars, it's in the other one". The officer saw that his personal identification was not visible on his person and pointed this out to him. He replied: "How can I display it if it's in the other car?" The officer pointed out that he was referring now to his personal badge, which is required to be worn upon his person at which point Mr Morrissey produced it from under his clothing. At that point Mr Morrissey walked away and rejoined another male in a door of a store. The officer, overheard him to say to the other male "they [edited by admin] me off." In all, his general attitude, according to the officer, was contemptuous and dismissive. The letter continued to describe an incident on 27th May 2011 when again the officer was on duty in the city centre and engaged in a multi agency operation at a check station outside the Crown Court.

35. At 20.05 hours the officer examined a Hackney Carriage with a member of the Vehicle and Operators Standards Agency (VOSA). On examination it was found there was a cut to the side wall of the rear offside tyre. The spare tyre was also found to be unroadworthy in as much as the ply cord was visible. As a result both VOSA and the licensing officer issued prohibition notices for defects.

36. The relevant notice of unfitness issued by the County Council is before the court and bears in manuscript a heading above the printed heading which states "driver". The notice of unfitness purports to be made under section 68 of the Local Government (Miscellaneous) Provisions Act 1976, to which I will return. The form of the notice refers to Mr Morrissey as being the proprietor of the relevant Hackney Carriage vehicle although it has been pointed out on

behalf of Mr Morrissey that in fact that he was not the proprietor but the driver. It has been observed by counsel that section 68 of the 1976 Act does not relate to drivers but only to proprietors.

37. In a letter dated 16th June 2011 the relevant officer of the Council wrote to Mr Morrissey enclosing a report which he intended to make to the next Public Protection Committee Meeting on 5th July 2011. That report summarised the facts relating to the two incidents alleged to have taken place on 25th May and 27th May 2011. It noted that Mr Morrissey was first licensed in October 1994 and that his last licence had been issued on 20th October 2010 and was due to expire on 20th October 2011. He was licensed as a Hackney Carriage/Private Hire driver.

38. At its meeting on 5th July 2011 the Public Protection Committee noted that Mr Morrissey had not attended its meeting. Its resolution was therefore suspended until the next meeting. In a letter dated 6th July 2011 the relevant officer of the Council wrote to Mr Morrissey to inform him of that decision by the Committee.

He stated:

"The Committee had resolved as you failed to attend the meeting of 5th July 2011 to suspend your Hackney Carriage/Private Hire driver's licence until you attended a future meeting of the Committee to answer the report made against you."

He continued that the licence was therefore suspended on the grounds set out in section 61(1) of the 1976 Act, to which I will return. He also informed in the standard form that section 61(3) of the Act enabled Mr Morrissey to appeal to a Magistrates' Court within 21 days of receipt of the letter.

39. On 12th July 2011 the relevant officer wrote to Mr Morrissey, again enclosing the report that he intended to make to the next Public Protection Committee meeting on 9th August 2011.

40. There is before the court an email dated 28th July 2011 between Amanda Jones (Legal) and Sharyn on the subject of Mr Morrissey. In that email Miss Jones confirms that she was legal adviser present at the Public Protection Committee on 5th July 2011 and reports the sanctions which were imposed upon Mr Morrissey in his absence.

The email continues:

"If Mr Morrissey had been present before the Committee accumulating 10 points would resulted in the revocation of his licence. However as the driver was not present the Committee had resolved not to revoke his licence in his absence it is said to impose a suspension until its next meeting on 9th August 2011, to allow the driver an opportunity to attend and give his own account of the circumstances."

41. At its meeting on 9th August 2011 the Public Protection Committee resolved to impose more points than the meeting on 5th July. Sixteen penalty points were now imposed, two penalty points for not displaying the driver's identification badge, two penalty points were imposed for not displaying the windscreen badge, eight penalty points imposed for having two defective tyres and four penalty points were imposed for abuse of a member of the public.

42. In a letter dated 26th August 2011 Mr Morrissey was informed of the outcome of that Committee Meeting by the relevant officer. After setting out the specific number of points that were imposed in respect of the individual matters, the letter continued:

"In conclusion the penalty points accrued amounted to 16 and as a result you have exceeded maximum 10 penalty points permitted within a 3 year period accordingly your Hackney Carriage/Private Hire driver's licence has been revoked."

The court has been informed that Mr Morrissey appealed against the decision to suspend in his case on 5th July 2011 and that appeal is pending before the Magistrates' Court awaiting the outcome of this claim for judicial review. The court has also been informed that subsequently Mr Morrissey has been granted a further licence, albeit I was informed for a relatively short period. The significance of that is something to which I will return.

Statutory Framework

43. As is well known the two principal Acts which govern this area of law and practice are the Town and Police Clauses Act 1847 at sections 37 to 68 and the Local Government (Miscellaneous) Provisions Act 1976, Part 2. The 1847 Act is concerned only with Hackney Carriages. In particular, section 46 provides that drivers are not to act without first obtaining a Hackney Carriage licence.

44. My attention has been drawn, as I have said, to section 68 which empowers the making of bylaws regulating Hackney Carriages, for example, regulating the conduct of proprietors and drivers of Hackney Carriages and determining whether such drivers shall wear any and what badges.

45. Part 2 of the 1976 Act applies to both Hackney Carriages and private hire vehicles. In particular section 51 requires there to be a licence to drive a private hire vehicle. Such a licence is not to be granted unless a Council is satisfied the applicant is a fit and proper person to hold a driver's licence. Similarly, section 59 requires a licence for the purpose of driving a Hackney Carriage and again, such a licence is not to be granted by a Council unless it is satisfied the applicant is a fit and proper person to hold a driver's licence.

46. Section 61 of the 1976 Act is central to the present claim, it provides:

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

(a)that he has since the grant of the licence—

(i)been convicted of an offence involving dishonesty, indecency or violence; or.

(ii)been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or.

(b)any other reasonable cause.

(2)(a)Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal and the driver shall on demand return to the district council the driver's badge issued to him in accordance with section 54 of this Act....

(2A)Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver under subsection (2)(a) of this section.

(2B)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 under subsection (2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when

the notice is given to the driver."

47. On behalf of the claimants in the present case it has been submitted that the relevant notices which were sent to Mr Singh and Mr Morrissey did not invoke subsection (2A) and did not purport to be made immediately on the basis of the interest of public safety nor did they explain why. This is not surprising, submit the claimants, because that was not a ground which was being invoked by the defendant.

48. Returning to the language of section 61(3) provides:

"(3)Any driver aggrieved by a decision of a district council under [subsection (1) of] this section may appeal to a magistrates' court."

Section 68 of the 1976 Act, which I have mentioned already, in the context of notice of unfitness in the case of Mr Morrissey provides that any authorised officer of the Council has power to expect the test for the purpose of ascertaining its fitness any Hackney Carriage or private hire vehicle licenced by the Council and if he is not satisfied as to its fitness, may by notice in writing require the proprietor of the Hackney Carriage or private hire vehicle to make it available for further inspection and testing, at such reasonable time and place as may be specified in the Notice and suspend the vehicle licence until such time as he or she is so satisfied.

49. The observation has been made on behalf of Mr Morrissey, that that provision relates only to the proprietor not the driver and relates to suspension of the vehicle licence, not the drivers licence.

Alternative Remedy

50. A mainstay of the defendant's submissions before the court has been that the present claim for judicial review should be refused on the ground that there is available to the claimants an adequate alternative remedy, namely an appeal to the Magistrates' Court under section 61(3) of the 1976 Act. In support of that submission reliance has been placed on the well known authority of *R v Chief Constable of Merseyside Police, ex p Calveley* [1986] QB 424, a decision of the Court of Appeal. In that case and in many others since it has been made clear that judicial review is a remedy of last resort. It is also a discretionary remedy. The court will usually, in the exercise of its discretion, refuse to entertain an application for judicial review where there is an adequate alternative remedy available, for example, by way of appeal.

51. That well known principle was applied in a context similar to the present in *R v Blackpool Borough Council, ex p Red Cab Taxis Ltd* [1994] RTR 402, a judgment of Judge J (as he then was). In support of that submission it has been observed on behalf of the defendant that there is a well known and long line of authority to the effect that an appeal in a context such as the present to the Magistrates' Court is by way of rehearing. It is convenient to summarise that line of authority by going to a recent decision of Stadlen J in *R on the application of Melton v Uttlesford District Council* [2009] EWHC 2845 (Admin).

At paragraph 84 of his judgment Stadlen J said:

"It is undoubtedly the case that the appeal both to the Magistrates Court and to the Crown Court operates as a rehearing in which the court is required to substitute its own decision on the application for that of respectively the Council and the Magistrates' Court: see *Sagnata Limited v Norwich Corporation* [1971] 2 QB 614 and *Stepney Borough Council v Joffe* [1949] 1 KB 599."

It should be observed that the decision of *Sagnata* was that of the Court of Appeal and the decision in *Joffe* was that of the Divisional Court with the Lord Chief Justice, Lord Goddard presiding. On the other hand as was held by Lord Goddard LCJ in the latter case in a passage approved by the Court of Appeal in the former:

"That does not mean to say that the Court of Appeal, in this case the Metropolitan Magistrate, ought not to pay great attention to the fact that the duly constituted and elected local authority have come to an opinion on the matter and ought not lightly of course, to reverse their opinion. It is constantly said (although I am not sure that it is also sufficiently remembered) that the function of a court of appeal is to exercise its powers when it is satisfied that the judgment below is wrong, not merely because it is not satisfied that the judgment was right."

At paragraph 85 Stadlen J continued:

"On the facts of this case the question for the Crown Court was whether the Council and the Magistrates' Court were wrong to conclude that Mr Melton should not be granted a licence because they were not satisfied that he was a fit and proper person to hold a drivers licence (see section 51(1)(a) of the 1976 Act). On its face that required the Crown Court to reach its own independent view of whether Mr Melton was a fit and proper person. At the same time it would appear that the Crown Court was obliged to ask itself

whether the decision actually reached was wrong ... "

Later in his judgment, at paragraph 87, Stadlen J referred to a decision by Scott Baker J (as he then was) in *R (on the application of Westminster City Council) v Middlesex Crown Court* [2002] EWHC 1104, to which I will now turn. In that judgment at paragraph 21, Scott Baker J said:

"...how a Crown Court or Magistrates Court should approach an appeal where the Council has a policy.

'In my judgment it must accept the policy and apply it as if it was standing in the shoes of the Council considering the application. Neither the Magistrates Court nor the Crown Court is the right place to challenge the policy. The remedy, if it is alleged that a policy has been unlawfully established, is an application to the Administrative Court for judicial review. In formulating a policy the council no doubt first consult various interested parties and then take into account all the various relevant considerations."

52. On behalf of the defendant, reliance is placed upon a recent decision by the Crown Court at Cardiff in *Hoque v Cardiff City Council* on 20th January 2012. This was an appeal from a Magistrates' Court, in a similar matter to the present. At page 17B of the transcript His Honour Judge Wynn Morgan was recorded to have said:

"The issue for us is have you, the respondent, proved on the balance of probabilities that the revocation of his licence, the imposition of this number of points was appropriate in this case."

At page 18G to 19F His Honour Judge Wynn Morgan continued:

"We are in fact going to allow this appeal for this reason, as it may be a very narrow reason and it is important that we spell it out as clearly as possible. Putting to one side for the moment the number of penalty points that were imposed by the Public Protection Committee, which we understand is the subject of judicial review in any event and without making any comment about them either on approval or criticism, it seems to us that we can properly infer, from the absence of prosecution by the police, that these tyres were defective but not so defective as to cause major anxiety ...

Now in fact what the Public Protection Committee did was to revoke his licence which we consider in contrast to what the criminal proceedings would have produced something unfair because the appellant is a man of good character, there has never otherwise been any complaint about his conduct as a taxi driver and we also take into account the fact there is no suggestion

he did not immediately comply with the exemption notice....

So we sympathise with the approach to this case, which might say that somebody who is driving around as taxi driver with four defective tyres is not a fit and proper person. Nevertheless had the full force of the law been brought to bear in this situation this appellant would not have found himself in the predicament he presently finds himself and it is for that reason that we are minded to allow the appeal and that reason only. We make no criticism of the view taken by the Public Protection Committee in that regard. Appeal allowed."

53. Normally the defendant's submissions would be well founded in a case of this type. As I have said, judicial review is a discretionary remedy and moreover is a remedy of last resort. Where there is an appeal available as there is in the present context to a Magistrates' Court and thereafter to the Crown Court, in particular the appeal to the Magistrates' Court is by way of rehearing, as clearly it is on authorities to which I have referred, there would usually be very good reason in the exercise of the court's discretion to refuse to entertain a claim for judicial review. This is so even though the claimant may wish to argue in the Administrative Court a ground of public law, which will not necessarily be on all fours with the grounds which would be argued before the Magistrates' Court. But this is a commonplace situation in public law proceedings. This is because, not least, the outcome of an appeal, on the merits, for example on the facts, may be such as to render any point of public law academic if a claimant succeeds in his appeal, on the merits, there may well be nothing for him to complain about, however interesting a point of public law may seem to be.

54. However, in the exercise of the court's discretion I have come to the conclusion that it would not be right to refuse to entertain this claim for judicial review on this ground, in the present case. In particular, I bear in mind the statement of the principle set out by Scott Baker J in the Westminster case, and followed as I understand it by Stadlen J in Melton where, as here, the claimant wishes to challenge the lawfulness of a policy adopted by a local authority, it would appear that in the Magistrates' Court proceedings, that court is entitled to and indeed obliged to apply the Council's policy. It steps, as it were, into the shoes of the Council.

55. As Scott Baker J made clear, the appropriate forum in which the lawfulness of a policy should be challenged in such circumstances is in the Administrative Court. There are also good practical reasons why this should

be so. The Administrative Court is well used to dealing with issues of public law.

56. In those circumstances and particularly bearing in mind that permission has already been granted in this case, having regard to the overriding objectives in the Civil Procedure Rules, I have decided that the court's discretion should be exercised in considering this claim for judicial review in full, on its legal merits.

57. Before I leave this topic I should also note that it was a subsidiary part of the defendant's submissions before me that in any event the claim for Mr Morrissey should be refused because he has now received a further licence. Accordingly it was submitted that the claim for judicial review has become academic in his case. Again, in the exercise of the court's discretion, I do not think that would be the right or just course to take.

58. I have been informed that the licence in Mr Morrissey's case is for a relatively short duration. It would appear, on the limited information before the court, to have been something of a stop gap measure. Everyone it is clear is awaiting the outcome of the present proceedings.

59. In any event, to have on his record the previous matters that Mr Morrissey would then have to live with is something, which, in my judgment, he is perfectly entitled to ask this court to review in the Administrative Court in the normal way. If necessary, for example, this court can make a declaration as to the lawfulness of a past event. It is a highly flexible and discretionary remedy that can be used by the court to do justice in the individual case.

60. Even if I were persuaded at the end of the case not to quash a particular decision, as I have said it might well be that if I accepted Mr Morrissey's submissions on the substantive merits that the court would in its discretion grant an appropriate declaration.

61. Accordingly I turn to the substantive merits of the various grounds which have been advanced on behalf of the claimants. Although this is not the numbering system which has been used by the parties at various stages in this case, I hope it will be convenient if I divide the arguments on behalf of the claimant's in the following way.

The first main ground of challenge

62. The first main ground of challenge on behalf of the claimants is that the penalty scheme in itself was ultra vires and unlawful. This argument is developed in the claimant's skeleton argument at paragraphs 97 to 107. The submission is put simply and succinctly that there is no power to discipline drivers in the circumstances in which the defendant authority sought to do so. It is submitted that when reference is made to the genesis of the policy, in 1988 and in the subsequent documents, particularly the documents of 2nd May 2001 and 10th May 2001, it is clear that the rationale which motivated the adoption of the policy was that there was perceived by the Council to be a deficiency in the legislation covering the disciplining of licensed drivers. The claimants submit that any such deficiency in the legislation is to be remedied, if it is to be remedied at all, by legislation.

63. It is no part of the functions of an executive body such as the defendant authority, submit the claimants, to seek to create what they have described as a parallel scheme, alongside the legislative claim. They submit that what the Council purported to do here was not to exercise its powers under section 61 of the 1976 Act but instead to create its own scheme for disciplining drivers short of suspending or revoking their licences as is permitted by section 61.

64. In my judgment that argument is not well founded. I accept the arguments in this regard on behalf of the defendant. In my judgment, what the defendant sought to do and has done is to adopt a policy to govern the exercise of its undoubted discretion under section 61 of the 1976 Act. A public authority is perfectly entitled to adopt policies which will regulate the exercise of a given discretionary power. In my judgment there is nothing wrong in principle with a licensing authority, such as the present, taking the view that the public interest justifies adopting a policy which would not lead to the suspension or revocation of a driver's licence, for example, for a single incident.

65. In my view, there is nothing wrong in principle with the defendant authority such as the present, adopting the policy, which seeks, both in fairness to the driver potentially affected and also to protect the public interest, to have, as it were, a staged process by which the cumulative effect of incidents of misconduct may well lead ultimately to the conclusion that in the judgment of the local authority, a person is not a proper person to continue to enjoy the relevant licence.

66. How a defendant authority such as the present goes about formulating such a policy is perhaps of more critical importance and it is something to which I will return.

67. In conclusion, on this first ground of challenge the question of vires as such I reject the claimant's submissions.

The claimant's second main ground of challenge.

68. This is developed at paragraphs 82 to 96 of the claimant's skeleton argument. The submission in essence is that the policy in force at the material time called for "automatic" revocation on the accumulation of 10 penalty points. Accordingly it is submitted this was not a proper exercise of discretion as required by section 61 of the 1976 Act.

69. Before addressing that submission in more detail, I would note that in my view section 61 does not confer only a discretion. In my view, it includes an element what may be called the exercise of a judgment in particular in subsection (1)(b) which requires there to be any other reasonable cause. It was common ground before me, in substance, for present purposes, that means whether a person continues to be a fit and proper person to hold a driver's licence.

70. As I have said, that is not a pure exercise of discretion, it is rather an exercise which calls for judgment to be performed on whether the statutory question has been answered in favour of or against the relevant driver.

71. That is a threshold question before which the exercise of discretion does not exist. Even once the threshold question has been answered against a driver, there still exists in the local authority a discretion. Section 61 provides that in those circumstances a Council may, not that it must, suspend or revoke a licence. So at that stage of the process discretion does come into it. That discretion of course must be exercised lawfully according to well known principles of public law.

72. Turning directly to the arguments on behalf of the claimants, as was readily accepted by the parties before me, the arguments can be framed in a variety of ways. How they are formulated does not in the end perhaps matter. What does matter is the substance of the argument.

73. In my judgment, the claimant's arguments in this regard are well founded. In my judgment, the adoption of the policy by the defendant Council has led to an erroneous approach in law being taken to its functions under section 61 of the 1976 Act.

74. There are three ways at least in which the point can be formulated and was on behalf of the claimant. These three submissions in essence summarise the fundamental defects in law, as I see them to be in the policy of the Council as adopted and applied. The first is that the policy calls for the automatic revocation of a licence if 10 points have been accumulated in a 3 year period. That, on its face, leaves no room for judgment or discretion.

75. I will return in a moment to the evidence as to how matters were actually carried out in practice.

76. The second fundamental defect is that this means that there is no consideration required, or it would appear perhaps even permitted by the policy of the underlying facts which lay behind the earlier imposition of points which a driver may have. That may, as the case of Mr Singh illustrates, be some years before the decision of the Committee which eventually decides to revoke a licence.

77. Fundamentally, as was put by the claimants and I accept, this leads to the wrong question being asked. Not the statutory question of whether there is any reasonable cause, in other words whether in all the circumstances of the case a driver is a fit and proper person to continue to enjoy licence, rather the question at worst could be reduced to a mathematical one of whether, for example, six points plus four points equals 10 points.

78. The third fundamental defect, in my judgment, again accepting the claimant's submissions in this regard is that the policy does not recognise that the outcome even of concluding that a person is not a fit and proper person is not necessarily revocation, it may be under section 61 the sanction of suspension.

79. I turn briefly in this regard to the new policy as reformulated in December 2011. That, in my judgment, may have the effect of mitigating to some extent the inflexibility of the earlier formulation of the policy. However what it does not do, in my judgment, is address all of the fundamental defects which I have identified. For example it still does not direct the local authority to ask itself the right question in law under section 61 and the Committee may well still be distracted, in my view, by the wrong question, for example a mathematical question. Further and in any event the reformulated policy still does not recognise that the appropriate sanction, even when a reasonable cause has been established, would be that of suspension and not revocation.

80. Before I leave this topic, I should express my endorsement of a point which is made on behalf of the claimants in this context. This is that the adoption and application of the policy in this case can lead to the risk of arbitrary and unequal treatment. This is illustrated, in my view, by a point which is being made on behalf of the defendant rather than rebutted by it. To explain this it is appropriate at this juncture to refer to the evidence on behalf of the defendant as set out in the witness statement of Claire Hartrey who is employed by the defendant as group leader for licensing.

At paragraph 11 of her witness statement Miss Hartrey states:

"Prior to 6th December 2011 [when the new policy was formulated] the Committee also had discretion as to the number of points to impose in any individual case and it frequently exercised that discretion to avoid revocation of the licence."

At paragraph 16 of her witness statement, Miss Hartrey specifically refers to the Committee Meeting on 7th June 2011 and how the case of Mr Singh was dealt with. She says that she was at that Committee Meeting and can state that the Committee imposed the four points consciously with the intention of revoking his licence and did revoke the licence.

81. At paragraph 22, in relation to Mr Morrissey and the meeting of Public Protection Committee on 5th July 2011 Miss Hartrey says:

"The Committee could have dealt with the matter in his absence, however the Committee was aware that the revocation of the licence was a possible outcome and wanted to give Mr Morrissey the opportunity to attend before it and give his explanation before making a final. It recognised more than one outcome was possible."

82. Accordingly it is submitted on behalf of the defendant that there is in practice a discretion exercised and that the policy is not applied in the automatic or inflexible way which on its face it might seem to call for.

83. In my judgment these submissions do not adequately answer the fundamental defects which I have already identified. One of the reasons why public law recognises and indeed encourages the adoption of policies to govern the exercise of discretionary powers is not only that they assist decision makers within the relevant authority. As importantly, if not more

importantly, policies signal to members of the public how discretionary powers will be exercised. In that respect they form an important function in maintaining the rule of law, because they assist individuals to be able to regulate their conduct to predict with some reasonable certainty how they will be treated by a public authority, depending on what they do.

84. The letter, for example, which was sent to Mr Singh in 2009, after he had accumulated his first six points could not have been clearer that if he crossed the 10 point threshold his licence would be revoked. That was on its face consistent with the policy as then formulated. It is fundamental defects of that sort which have led me to conclude, in agreement with the claimants in this case, that the policy as such is unlawful.

85. If an unlawful policy has been taken into account in the decision making process then it will normally follow in administrative law proceedings that the resulting decision is also unlawful. It would not matter for that purpose that a lawful decision could have been taken if a discretionary power had been exercised in a lawful manner. For example, having regard to relevant considerations and not having regard to irrelevant ones.

86. Accordingly, the conclusion to which I have come is that, not only was the policy in this case unlawful but the individual decisions applying that policy in the particular cases of the individuals before the court were also unlawful.

87. Before I leave this topic I will return to the risk of arbitrary and unequal treatment which I mentioned a moment ago. On behalf of the claimants it was submitted that one could envisage the following scenario. There may be before the Committee two drivers, whose material circumstances are identical in relation to the individual incidents before the Committee A and B. A has no previous points accumulated. The appropriate penalty points in his case for an incident before the Committee would be two points and that is what the Committee imposes.

88. When it comes to the case of B, the Committee is facing exactly the same situation in the immediate scenario before it. However it is also aware without knowing any of the underlying facts that B already has eight previous points on his record within the relevant 3 year period. It is easy to envisage that there may be an "adjustment" of the appropriate number of points which should be imposed on the immediate occasion in order to avoid the apparently unwelcome result that there will be revocation of the licence in B's case.

89. But it is difficult to avoid the conclusion that such treatment would be arbitrary and unequal as between A and B. Furthermore, it is not obvious how this facilitates the public interest. It may be that in fact B is a driver who is no longer a fit and proper person to hold a licence. However, the adoption of application of the policy that Council has prevents the Council from asking itself and answering the right question. What it should be asking is whether B is in all the circumstances of this case, including the underlying facts of the incidents including the incidents on the previous occasions, is a fit and proper person, in other words whether there is any reasonable cause to suspend or revoke his licence.

90. Without being aware of all that full information the Committee is simply unable, by reason of a policy which the Council has currently adopted to ask and answer that right question. Instead, it is precisely because it feels constrained by the automaticity of the policy and the prospect of revocation, even after the reformulation of the policy in December 2011, which will normally follow if 10 points are accumulated, that the Council feels the need, as it were, to "adjust" the appropriate number of penalty points for the incident now before the Committee.

91. For all those reasons, as I have said, I conclude the claimant's arguments in this regard are well founded and the claim for judicial review will be granted on this basis. I turn more briefly to other arguments.

Fettering of discretion

92. It is unnecessary in the light of what I have already said to deal with this way of formulating the claimant's argument in further detail although they are developed at paras. 108 to 120 of the skeleton. This is in essence another way of putting the argument that I have already accepted in relation to the second ground, namely that before December 2011 the policy was rigid and inflexible.

Irrationality

93. The fourth ground is that the claimants also complained that the penalty points system is inherently irrational. They said relevant considerations could not be considered. This again, it seems to me, is subsumed within the second main ground of challenge which I have already accepted and it is unnecessary to lengthen this judgment unduly by setting out in more detail

some relatively subsidiary contentions, as I understood them to be, in the specific cases of Mr Singh and Mr Morrissey. As I understood them those were raised by way of illustration to demonstrate the inherent unlawfulness of the policy under challenge. It is not necessary for me to say more about those subsidiary arguments in the light of my overall conclusion on the main argument for the claimants.

Human rights considerations

94. It appeared at first sight from paragraphs 127 to 138 of the claimant's skeleton argument that they also advanced as a separate head of judicial review, that there was a breach in the present circumstances of Article 6 of the Convention rights by virtue of section 6(1) of the Human Rights Act 1988. As things developed at the oral hearing before me, as I understood it became common ground that in fact this was not an independent ground of challenge to the policy or the decisions in these cases. However, it was, as it were, by way of response to the defendant's suggestion there was an adequate alternative remedy available.

95. For reasons I have already set out, I have rejected the defendant's argument in respect of the adequate alternative remedy point. Accordingly, as it seems now, it is not necessary to say much on this human rights point. What I would observe however is that, in my view, the imposition of points as such, short of revocation or suspension does not constitute the determination of anyone's civil rights or obligations. Even if it did, it is well established that in administrative decision making contexts such as the present, there is no requirement under Article 6 for the initial decision maker to be an independent and impartial Tribunal, provided the system overall does permit access to a court or Tribunal which has those characteristics of independence and impartiality. In the present context if it were necessary to do so, a person could apply for judicial review even though an appeal under section 61(3) of the 1976 Act is not available to the Magistrates' Court.

96. When it comes to the final decision to revoke or suspend a licence, as I have said, there is an appeal available to the Magistrates' Court; indeed such an appeal will be by way of rehearing, as I have already said.

97. Accordingly, just as judicial review will often suffice to render the overall system fair and compatible with Article 6, so in my judgment, the ordinary case where there is an appeal available to a Magistrates' Court, and thereafter to the Crown Court, has the consequence that even if the

determination, even if the revocation or suspension of a driver's licensed constitutes a determination of a person's civil rights and obligations which I am inclined to accept, the system overall is, in my view, compatible with the requirements of Article 6.

Legitimate expectations and review of points for Mr Singh

98. At paragraphs 139 and 141 of the claimant's skeleton argument, a separate and subsidiary argument was made that Mr Singh was treated unlawfully because he asked for a review of his decision to take place; he was given an impression that such a review would take place but in fact did not place on 9th August.

99. Suffice it to say that on the evidence before the court, which I have summarised earlier, I am not persuaded by this subsidiary argument on behalf of this claimant. In my view, the defendant did not act unlawfully in the manner asserted under this head. There was no legitimate expectation created the defendant would do anything other than what it did do. It was perfectly entitled to take the view that it had already reached a decision to revoke Mr Singh's licence and that if he felt aggrieved by that decision it informed him he could appeal against him.

Revocation and suspension in the case of Mr Morrissey

100. The claimant submitted that in any event, quite apart from his other arguments what happened in this case was that on 5th July 2011 the defendant decided to suspend his licence rather than to revoke it. It was submitted, as it were, that the defendant authority was therefore "functus officio". It was submitted there is no power of interim suspension in section 61 of the 1976 Act.

101. I would accept those argument on behalf of the claimant Mr Morrissey, in this case.

102. Returning to the language of section 61, I remind myself that this was not a case in which any attempt was made to activate the suspension of the licence to have immediate effect pursuant to the interest of public safety basis in subsection (2B) . The notice sent to Mr Morrissey did not purport to invoke that provision or to make the suspension immediately effective.

103. In my judgment, the way in which the concept of suspension is used by

Parliament in section 61 of the 1976 Act is not, as it were, to create a power of interim suspension, it is rather after a considered determination in other words a final decision on whether a ground for either revocation, or suspension of a licence is made out, for there to be either revocation or, as a lesser sanction, a sanction of suspension.

104. By way of analogy, one can envisage for example in a professional context a solicitor or a barrister can be disciplined on grounds of his conduct. The relevant disciplinary body may conclude that even if the misconduct has been established, that the appropriate sanction should be something less than complete revocation of the practising certificate for the relevant lawyer. It may be, for example, a suspension for a period of 1 year, will constitute sufficient sanction in the interests of the public.

105. It is in that sense, in my judgment, that Parliament uses the concept of suspension in section 61 of the 1976 Act. It does not use, as it were, to create an interim power, before a reasoned determination has been made, that the grounds in subsection (1A) or (1B) have been made out. It is not, as it were, a protective or holding power. It is a power of final suspension, as an alternative to a power of final revocation. For those reasons I accept that aspect of Mr Morrissey's claim for judicial review also.

Conclusion

106. For the reasons I have given, this claim for judicial review is granted and I will hear counsel as to any question of remedies or consequential matters.

107. MR WALTERS: Thank you my Lord. If I could refer to the two grounds as obviously section 6 of the original claim form and I hope it was correctly in the bundle. I have it inserted because it was omitted from my bundle but would have been before the court.

108. MR JUSTICE SINGH: This is in which bundle?

109. MR WALTERS: It should have appeared after the documents starting on page 17, but in my only going through to 27, the documents in support of the section 6 is page 11, a remedy. Is that....

110. Can I hand it in? The one addition, there is an error there because the typing says "16th April 2011" and should of course refer to that foot reference 1993

111. MR JUSTICE SINGH: Have you got this?

112. MR WALTERS: The part of the original claim

113. MR JUSTICE SINGH: This is a working document as to remedies being sought.

114. MR WALTERS: That was in fact enclosed as section 6 of the claim form lodged in court. That is right.

115. MR JUSTICE SINGH: I note the time and I particularly have to have regard to the interests of court staff. What I am going to ask the parties is whether it will be possible to reconvene at 10.30 tomorrow?

116. MR MORGAN: I cannot I am afraid, I am in London tomorrow in a Tribunal case.

117. MR JUSTICE SINGH: Are you available this week or early next week?

118. MR MORRIS: Tuesday of next week, yes. But not until

119. MR JUSTICE SINGH: Mr Walters. What I would like it may be possible for the parties to agree a draft order for my consideration in the light of my judgment. For understandable reasons you have only just heard my reasons, so you may want to think about the point. You may be able to agree all outstanding matters including I imagine remedies costs and the question of possible permission to appeal.

120. MR WALTERS: My Lord, yes, I am fairly confident that I am free next Tuesday. Let me just check.

121. MR JUSTICE SINGH: What I suggest is that you use the time in the meantime to talk and if you can agree a draft order for my endorsement, then I will consider it and that can probably be dealt with by email by Monday. But if agreement or final agreement is not possible, then I will provisionally list this case on 10.30 on Tuesday, so we can reconvene to have any further adjudication as required.

122. MR MORRIS: I am sorry to be difficult, I am, but could it be later for Tuesday, the reason being I am away, out of the country at the weekend. So I

will not be

123. MR JUSTICE SINGH: Can you do Wednesday?

124. MR MORRIS: Yes.

125. MR WALTERS: Unfortunately I am due to be giving a workshop and speech at Royal Town Planning Institute.

126. MR JUSTICE SINGH: I better say Tuesday, I cannot make it later than Wednesday next week as I have a two day hearing on Thursday and Friday and then I do not sit, and it is the end of term and I am not in Cardiff after that. I am afraid although it is inconvenient I am going to have to say 10.30 on Tuesday. That is the provisional listing, it will have to be confirmed in any event because it may depend on my other commitments but bearing in mind the time this evening, I am going to leave it there for now. It may be, as I said, that parties can agree matters in a draft order for my consideration by email in which case you will not have to attend.

127. MR WALTERS: One very brief point on there. That is likely to mean that costs, unless agreed, will go to detailed assessment rather than summary.

128. MR JUSTICE SINGH: I think so. In a case of this length and complexity, I would order that in any event. Do you want this back?

129. MR WALTERS: If possible.

130. MR JUSTICE SINGH: I am sorry to have kept everyone later, but I am grateful to everyone for their assistance in this case.

IDFIMH

Report to	Licensing committee	Item
	9 June 2016	
Report of	Head of citywide services	8
Subject	Police Reform and Social Responsibility Act 2011: Late Night Levy	

Purpose

To update members regarding the viability of introducing a Late Night Levy under the Licensing Act as amended Part II of the Police Reform and Social Responsibility Act 2011.

Recommendation

That members defer consideration of the introduction of a Late Night Levy, until further information is available from the Home Office.

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 Kendrick – Neighbourhoods and community safety

Contact officers

Tony Shearman, licensing manager

01603 212761

Background documents

Modern Crime Prevention Strategy, published by the Home Office - March 2016

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 an extra fee to those premises licensed to sell alcohol late at night. 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 in March 2015.
5. At the last Licensing committee meeting on 10 March 2016 members requested further information regarding the financial aspects and possibilities of introducing a late night levy.
6. Attached at appendix B is a breakdown of the premises that could be encompassed by the late night levy, the times that they are authorised to sell alcohol, the charge relevant to their rateable value and overall figures detailing the potential total revenue and potential revenue to the City Council.
7. Caution should be applied however, as the figures are a snapshot of the data as if the levy were applied now. This does not take into consideration the ability for those premises, in particular those that fall close to the levy introduction time, to apply for a free variation to alter their times so that they would not qualify.
8. In March 2016 the Home Office released a document entitled 'Modern Crime Prevention Strategy'. The document encompasses a number of different aspects of crime prevention, however chapter 7 deals with 'Alcohol as a Driver of Crime', and includes the following section, which clearly states that the Government will be introducing changes to the late night levy.

Equipping local authorities and the police with the right powers

Improved local data and partnership working will not always stop alcohol-related crime and disorder. Where crime and disorder does occur, the police and local authorities should act swiftly and decisively to deal with individuals and premises causing problems. The Government will ensure that both have the right powers and that the licensing framework within which the police and local authorities operate supports them in taking the right action. Action should be

proportionate, but offenders, be they individuals or licensees, should be left in no doubt of the need to change their behaviour. To achieve this, the Government will:

■ Improve the **late night levy** by making it more flexible for local areas, fairer to business and more transparent. At the same time, the Government will create a greater role for Police and Crime Commissioners, by giving them a right to request that local authorities consult on introducing a levy to contribute towards the cost of policing the evening and night time economy.

■ Put cumulative impact policies (CIPs) on a statutory footing, to strengthen the ability of authorities to control the availability of alcohol and reduce alcohol-related crime and disorder, as well as providing industry with greater clarity about how they can be used.

9. A number of other authorities have recently been considering the introduction of a late night levy, however this uncertainty regarding the future of the current late night levy system has formed part or all of the reasoning causing them either not to proceed or to put their plans on hold until the way forward is clearer. The authorities I am aware of are Liverpool City Council, Plymouth City Council and Brighton and Hove City Council and I am grateful to Poppleston Allen Solicitors for the following details, regarding these 3 councils:-

24 March 2016 – “Liverpool City Council have today reached a decision as to whether to adopt their Late Night Levy proposal relating to those premises with the ability to sell alcohol between the hours of midnight and 6 am. Following representations from the ALMR (*Association of Licensed Multiple Retailers*), the Police and the consultants who carried out the consultation, the Committee decided to reject the Late Night Levy proposal outright at this stage. The council felt that the Levy would only work if it related to a period for the sale of alcohol which commenced later than midnight and that in so doing the financial benefit would be reduced such that there would be no significant improvement achieved. They were also mindful of the forthcoming Home Office review on Levies as confirmed in the Home Office’s Modern Crime Prevention Strategy revealed yesterday.”

18 March 2016 - “Plymouth City Council has now put on hold the decision of whether to have a Late Night Levy. Following a consultation last year the Leader of the Council decided that they should postpone the decision until the Governments review of the levy has been published. It is not clear how long the Home Office Review will take but the situation will be monitored by the Council and reviewed in 2 years.”

4 March 2016 - “Yesterday afternoon Brighton & Hove’s Licensing Committee decided to defer any decision on whether to proceed with a formal consultation on the adoption of a Late Night Levy until the Home Office’s proposals around amendments to the Levy Regulations have been clarified and approved in law.”

10. The office of the Police and Crime Commissioner has been asked for a view on this matter, but at the time of writing the report a response has not yet been received, however I am assured that one will be forthcoming when time allows.

11. Due to the uncertainty caused by the forthcoming Home Office review, and the considerable resource required to undertake the consultation required to consider the introduction of a late night levy, that could potentially be irrelevant, it is recommended that Norwich City Council follow the same route as those authorities above, and defer pursuing the matter until the situation is clearer.



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.¹ 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

¹ 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 1st 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.²
- 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.

² 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.³ 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.

³ 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 footnote⁴)

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.

⁴ 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

Introduce LNL after -	Total Revenue Generated, £'s	Max. Revenue to City Council, £'s
Midnight	199387	59816.1
0100 hours	114991	34497.3
0200 hours	66351	19905.3
0300 hours	38424	11527.2
0400 hours	12311	3693.3
0500 hours	12311	3693.3

Start	Finish	REF No	Trading As	Premises	Licence Type	Band	Value
07:00:00	00:30:00	12/01511/PREM	The Last Brasserie	103 Unthank Road Norwich NR2 2PE	Premises Licence	B	768
06:00:00	00:30:00	08/01811/PREM	The National Skills Academy	St Andrews House St Andrews Street Norwich NR2 4TP	Premises Licence	E	1493
08:00:00	00:30:00	07/00736/PREM	Jubilee Public House	26 St Leonards Road Norwich Norfolk NR1 4BL	Premises Licence	B	768
08:00:00	00:30:00	08/01312/PREMTR	Rose Tavern	88 Rupert Street Norwich Norfolk NR2 2AT	Premises Licence - Transitional	B	768
10:00:00	00:30:00	10/01015/PREM	City Spice	8 Dereham Road Norwich Norfolk NR2 4AY	Premises Licence	B	768
10:00:00	00:30:00	14/02556/PREMTR	Farmhouse	The Farmhouse 50 Colman Road Norwich Norfolk NR4 7EH	Premises Licence - Transitional	C	1259
10:00:00	00:30:00	12/02009/PREMTR	Heartsease Public House	Heartsease Public House Plumstead Road Norwich Norfolk NR1 4JZ	Premises Licence - Transitional	C	1259
10:00:00	00:30:00	13/02071/PREMTR	Lucky Star Chinese Buffet	10 Queens Road Norwich Norfolk NR1 3PR	Premises Licence - Transitional	B	768
10:00:00	00:30:00	13/00022/PREM	Maids Head Hotel	20 Tombland Norwich Norfolk NR3 1LB	Premises Licence	E	1493
10:00:00	00:30:00	13/00959/PREMTR	Middletons	11-15 Timberhill Norwich Norfolk NR1 3JZ	Premises Licence - Transitional	C	1259
10:00:00	00:30:00	15/00852/PREMTR	Oaks	Brewers Fayre And Travel Inn Amsterdam Way Norwich Norfolk NR6 6JA	Premises Licence - Transitional	E	1493
10:00:00	00:30:00	05/02933/PREMTR	Riverbank Chinese Buffet Restaurant	Unit 3B Wherry Road Norwich NR1 1WZ	Premises Licence - Transitional	D	1365
10:00:00	00:30:00	05/03037/PREMTR	Temple Bar	2 Unthank Road Norwich Norfolk NR2 2RA	Premises Licence - Transitional	B	768
10:00:00	00:30:00	05/03105/PREMTR	The Angel Gardens Public House	96A Angel Road Norwich Norfolk NR3 3HT	Premises Licence - Transitional	B	768
10:00:00	00:30:00	12/00977/PREMTR	The Mad Moose	The Mad Moose 2 Warwick Street Norwich Norfolk NR2 3LD	Premises Licence - Transitional	B	768
10:00:00	00:30:00	12/00294/PREMTR	The Red Lion	Red Lion Public House 79 Bishopgate Norwich Norfolk NR1 4AA	Premises Licence - Transitional	B	768
10:00:00	00:30:00	09/00398/PREMTR	The Unthank Arms	Unthank Arms 149 Newmarket Street Norwich Norfolk NR2 2DR	Premises Licence - Transitional	C	1259
10:00:00	00:30:00	09/01663/PREMTR	University Of East Anglia	University Of East Anglia University Plain Norwich Norfolk NR4 7TJ	Premises Licence - Transitional	E	1493
10:30:00	00:30:00	10/00974/PREMTR	Mulberry	111 Unthank Road Norwich Norfolk NR2 2PE	Premises Licence - Transitional	B	768
11:00:00	00:30:00	14/01720/PREMTR	79 Bar Charcuterie	79 Unthank Road Norwich Norfolk NR2 2PE	Premises Licence - Transitional	B	768
11:00:00	00:30:00	05/01899/PREMTR	Fat Cat	49 West End Street Norwich Norfolk NR2 4NA	Premises Licence - Transitional	B	768
11:00:00	00:30:00	05/02914/PREMTR	Fat Cat Brewery Tap	98 - 100 Lawson Road Norwich Norfolk NR3 4LF	Premises Licence - Transitional	B	768
11:00:00	00:30:00	11/01884/PREMTR	The Robin Hood Public House	84 Mousehold Street Norwich Norfolk NR3 1NX	Premises Licence - Transitional	B	768
11:00:00	00:30:00	05/02887/PREMTR	The Stanley Arms	The Stanley 33 Magdalen Road Norwich Norfolk NR3 4LG	Premises Licence - Transitional	B	768
11:00:00	00:30:00	12/01518/PREMTR	Windmill	The Windmill Public House Knox Road Norwich Norfolk NR1 4LQ	Premises Licence - Transitional	B	768
07:00:00	01:00:00	08/00119/PREM	St. Giles House	St Giles House 41 - 45 St Giles Street Norwich Norfolk NR2 1JR	Premises Licence	C	1259
07:00:00	01:00:00	10/02302/PREM	Thai Wellbeing & Baan Phraya	19-25 Red Lion Street Norwich Norfolk NR1 3QF	Premises Licence	B	768
07:00:00	01:00:00	05/02265/PREMTR	The Ribs Of Beef	The Ribs Of Beef 24 Wensum Street Norwich Norfolk NR3 1HY	Premises Licence - Transitional	B	768
08:00:00	01:00:00	12/00075/PREM	Merchants Of Spice	The Merchants Of Colegate 30 - 32 Colegate Norwich Norfolk NR3 1BG	Premises Licence	B	768
08:00:00	01:00:00	05/03113/PREMTR	New Museum Of Contemporary Art	9 Netherconesford Norwich NR1 1PW	Premises Licence - Transitional	B	768
08:00:00	01:00:00	13/01119/PREM	The Iron House	The Iron House 1 St John Maddermarket Norwich NR2 1DN	Premises Licence	B	768
08:00:00	01:00:00	05/03064/PREMTR	The Last Wine Bar	70 - 76 St Georges Street Norwich Norfolk NR3 1AB	Premises Licence - Transitional	B	768
08:00:00	01:00:00	12/01773/PREM	The Nelson	Nelson Hotel Prince Of Wales Road Norwich Norfolk NR1 1DX	Premises Licence	E	1493
09:00:00	01:00:00	07/02321/PREM	Artorio's	Artorio's Taverna Unit 3C Wherry Road Norwich NR1 1WX	Premises Licence	C	1259
09:00:00	01:00:00	14/02272/PREM	Cactus Cafe Bar	102 Magdalen Street Norwich Norfolk NR3 1JD	Premises Licence	B	768
09:00:00	01:00:00	07/00409/PREMTR	Clock Tower	26 Jarrold Way Norwich Norfolk NR5 9JD	Premises Licence - Transitional	C	1259
09:00:00	01:00:00	05/01304/PREMTR	Coach And Horses	Coach And Horses Freehouse 82 Thorpe Road Norwich Norfolk NR1 1BA	Premises Licence - Transitional	C	1259
09:00:00	01:00:00	08/02295/PREMTR	Fiveways Public House	Fiveways Public House Gipsy Lane Norwich Norfolk NR5 8AZ	Premises Licence - Transitional	B	768
09:00:00	01:00:00	16/00261/PREMTR	Gibraltar Gardens	300 Heigham Street Norwich Norfolk NR2 4LS	Premises Licence - Transitional	C	1259
09:00:00	01:00:00	15/01862/PREMTR	Odeon Cinema	Unit 1A Wherry Road Norwich Norfolk NR1 1XA	Premises Licence - Transitional	E	1493
09:00:00	01:00:00	06/01654/PREM	The Bell Hotel	The Bell 5 Orford Hill Norwich Norfolk NR1 3QB	Premises Licence	E	1493
09:00:00	01:00:00	13/01757/PREMTR	The Cellar House	2 Eaton Street Norwich Norfolk NR4 7AB	Premises Licence - Transitional	C	1259

Late Night Levy - Potential income if introduced May 2016

09:00:00	01:00:00	16/00249/PREMTR	The Cock Public House	The Cock Public House Long John Hill Norwich Norfolk NR1 2LY	Premises Licence - Transitional	B	768
09:00:00	01:00:00	06/01294/PREMTR	The Glass House	9 - 13 Wensum Street Norwich Norfolk NR3 1LA	Premises Licence - Transitional	D	1365
09:00:00	01:00:00	05/01691/PREMTR	The Kings Arms	22 Hall Road Norwich Norfolk NR1 3HQ	Premises Licence - Transitional	B	768
09:00:00	01:00:00	11/00003/PREMTR	The Wine Cellar	Woburn Court 8 Guildhall Hill Norwich	Premises Licence - Transitional	B	768
10:00:00	01:00:00	06/01081/PREMTR	Artichoke	The Artichoke 1 Magdalen Road Norwich Norfolk NR3 4LW	Premises Licence - Transitional	B	768
10:00:00	01:00:00	12/01160/PREMTR	Belgian Monk	7 Pottergate Norwich Norfolk NR2 1DS	Premises Licence - Transitional	B	768
10:00:00	01:00:00	08/01142/PREM	Canary Cue Club	103 Oak Street Norwich NR3 3BP	Premises Licence	B	768
10:00:00	01:00:00	14/01956/PREMTR	Cherry Tree	The Cherry Tree Dereham Road Norwich Norfolk NR5 8TD	Premises Licence - Transitional	C	1259
10:00:00	01:00:00	14/00759/PREMTR	Compleat Angler	120 Prince Of Wales Road Norwich Norfolk NR1 1NS	Premises Licence - Transitional	C	1259
10:00:00	01:00:00	11/01325/PREMTR	Hollywood Bowl	Hollywood Bowl Wherry Road Norwich Norfolk NR1 1WZ	Premises Licence - Transitional	E	1493
10:00:00	01:00:00	09/00074/PREM	Kimberley Arms	9 Trory Street Norwich Norfolk NR2 2RH	Premises Licence	A	299
10:00:00	01:00:00	14/02290/PREMTR	Las Iguanas	7A Wherry Road Norwich Norfolk NR1 1WX	Premises Licence - Transitional	E	1493
10:00:00	01:00:00	11/02234/PREM	Merge	5-7 Dereham Road Norwich Norfolk NR2 4HX	Premises Licence	B	768
10:00:00	01:00:00	12/00632/PREMTR	Namco Funscape	10 Barnard Road Norwich Norfolk NR5 9JB	Premises Licence - Transitional	E	1493
10:00:00	01:00:00	15/01558/PREMTR	Pinnochios	11 St Benedicts Street Norwich Norfolk NR2 4PE	Premises Licence - Transitional	B	768
10:00:00	01:00:00	15/01625/PREMTR	Prince Of Denmark	140 Sprowston Road Norwich Norfolk NR3 4JQ	Premises Licence - Transitional	B	768
10:00:00	01:00:00	11/00922/PREM	Roger Hickman's Restaurant	79 Upper St Giles Street Norwich Norfolk NR2 1AB	Premises Licence	B	768
10:00:00	01:00:00	06/01644/PREMTR	Take 5	17 Tombland Norwich Norfolk NR3 1HF	Premises Licence - Transitional	B	768
10:00:00	01:00:00	11/01340/PREMTR	The Assembly House	The Assembly House 12 Theatre Street Norwich Norfolk NR2 1RG	Premises Licence - Transitional	D	1365
10:00:00	01:00:00	11/01096/PREMTR	The Bicycle Shop	17 St Benedicts Street Norwich Norfolk NR2 4PE	Premises Licence - Transitional	B	768
10:00:00	01:00:00	12/01660/PREMTR	The Blueberry	20 Cowgate Norwich Norfolk NR3 1SY	Premises Licence - Transitional	B	768
10:00:00	01:00:00	07/00498/PREMTR	The Champion	The Champion 101 Chapel Field Road Norwich Norfolk NR2 1SE	Premises Licence - Transitional	B	768
10:00:00	01:00:00	15/01138/PREMTR	The Cottage Public House	9 Silver Road Norwich Norfolk NR3 4TB	Premises Licence - Transitional	B	768
10:00:00	01:00:00	10/01029/PREMTR	The Dog House	18 St Georges Street Norwich Norfolk NR3 1BA	Premises Licence - Transitional	B	768
10:00:00	01:00:00	09/01502/PREMTR	The FDC	The FDC Clover Hill Road Norwich Norfolk NR5 9ED	Premises Licence - Transitional	C	1259
10:00:00	01:00:00	10/01225/PREMTR	The Forge	118 Philadelphia Lane Norwich Norfolk NR3 3JJ	Premises Licence - Transitional	B	768
10:00:00	01:00:00	05/01368/PREMTR	The Gatehouse Public House	The Gatehouse 391 Dereham Road Norwich Norfolk NR5 8QJ	Premises Licence - Transitional	B	768
10:00:00	01:00:00	15/01560/PREMTR	The Lounge	13 St Benedicts Street Norwich Norfolk NR2 4PE	Premises Licence - Transitional	B	768
10:00:00	01:00:00	09/02343/PREM	The Narthex, Cathedral Of St John The Baptist	Unthank Road Norwich	Premises Licence	A	299
10:00:00	01:00:00	16/00234/PREMTR	Three Ways Lebanese Restaurant	4A Brigg Street Norwich Norfolk NR2 1QN	Premises Licence - Transitional	B	768
10:00:00	01:00:00	07/01448/PREMTR	Trowel And Hammer	25 St Stephens Road Norwich Norfolk NR1 3SP	Premises Licence - Transitional	B	768
10:00:00	01:00:00	05/01917/PREMTR	Wild Stallion Dance Ranch	193C Plumstead Road Norwich Norfolk NR1 4AB	Premises Licence - Transitional	B	768
10:00:00	01:00:00	12/00633/PREM	Woolpack	9 Golden Ball Street Norwich NR1 3EH	Premises Licence	C	1259
10:00:00	01:00:00	16/00253/PREMTR	York Tavern	York Tavern 1 Leicester Street Norwich Norfolk NR2 2AS	Premises Licence - Transitional	B	768
10:30:00	01:00:00	05/02264/PREMTR	The Wig & Pen	6 St Martin At Palace Plain Norwich Norfolk NR3 1RN	Premises Licence - Transitional	B	768
11:00:00	01:00:00	15/01136/PREMTR	Coach And Horses Public House	1 Union Street Norwich Norfolk NR2 2SL	Premises Licence - Transitional	B	768
11:00:00	01:00:00	12/00706/PREM	Fat Cat And Canary	101 Thorpe Road Norwich Norfolk NR1 1TR	Premises Licence	B	768
11:00:00	01:00:00	11/02503/PREMTR	Plasterers Arms	43 Cowgate Norwich Norfolk NR3 1SZ	Premises Licence - Transitional	B	768
11:00:00	01:00:00	14/00202/PREM	Rumsey Wells	St Andrews Tavern 4 St Andrews Street Norwich NR2 4AF	Premises Licence	B	768
11:00:00	01:00:00	09/00911/PREMTR	Ten Bells	74 - 78 St Benedicts Street Norwich Norfolk NR2 4AR	Premises Licence - Transitional	B	768
11:00:00	01:00:00	15/02315/PREM	Thai Kitt	4 Opie Street Norwich Norfolk NR1 3DN	Premises Licence	B	768
11:00:00	01:00:00	14/01196/PREMTR	The Bread And Cheese Public House	111 Adelaide Street Norwich Norfolk NR2 4JD	Premises Licence - Transitional	B	768
11:00:00	01:00:00	05/03056/PREMTR	The Dyers Arms	2-4 Lawson Road Norwich Norfolk NR3 4LF	Premises Licence - Transitional	B	768
11:00:00	01:00:00	06/02378/PREMTR	The Freemasons Arms	27 Hall Road Norwich Norfolk NR1 3HQ	Premises Licence - Transitional	B	768
11:00:00	01:00:00	15/01584/PREMTR	The Nelson Public House	122 Nelson Street Norwich Norfolk NR2 4DR	Premises Licence - Transitional	B	768
11:00:00	01:00:00	10/01403/PREMTR	The Norkie	The Norkie Bowthorpe Main Centre Wendene Norwich Norfolk NR5 9HA	Premises Licence - Transitional	B	768
11:00:00	01:00:00	13/01887/PREM	The Teaport Tearoom	10 St Gregorys Alley Norwich Norfolk NR2 1ER	Premises Licence	B	768
12:00:00	01:00:00	10/01511/PREM	INTO UEA LLP	INTO UEA LLP Restaurant University Drive University Of East Anglia Norwich NR4 7TJ	Premises Licence	A	299
12:00:00	01:00:00	06/00631/PREM	Spice Lounge	8 - 10 Wensum Street Norwich Norfolk NR3 1HR	Premises Licence	B	768

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07:00:00	01:30:00	06/00993/PREMTR	The Gardeners Arms	Gardeners Arms Timberhill Norwich Norfolk NR1 3LB	Premises Licence - Transitional	D	1365
08:00:00	01:30:00	12/00984/PREMTR	The Sir Garnet	36 Market Place Norwich Norfolk NR2 1RD	Premises Licence - Transitional	B	768
09:00:00	01:30:00	12/02261/PREMTR	Edith Cavell	Edith Cavell 7 Tombland Norwich Norfolk NR3 1HF	Premises Licence - Transitional	B	768
10:00:00	01:30:00	15/01015/PREM	Aroma	5 Upper King Street Norwich Norfolk NR3 1RL	Premises Licence	B	768
10:00:00	01:30:00	07/02311/PREMTR	Micawbers Tavern	Micawbers Tavern 92 Pottergate Norwich Norfolk NR2 1DZ	Premises Licence - Transitional	B	768
10:00:00	01:30:00	14/02296/PREMTR	The Lawyer	12 - 14 Wensum Street Norwich Norfolk NR3 1HY	Premises Licence - Transitional	B	768
11:00:00	01:30:00	15/00493/PREMTR	Coach & Horses	51 Bethel Street Norwich Norfolk NR2 1NR	Premises Licence - Transitional	B	768
11:00:00	01:30:00	13/00843/PREM	Gourmet Burger Kitchen	Ground Floor 410 Chapelfield Plain Chapelfield Norwich NR2 1SZ	Premises Licence	C	1259
11:00:00	01:30:00	14/00787/PREMTR	The Golden Star	The Golden Star 57 Colegate Norwich Norfolk NR3 1DD	Premises Licence - Transitional	B	768
06:00:00	02:00:00	14/01963/PREMTR	Bootleggers	76 Prince Of Wales Road Norwich Norfolk NR1 1NJ	Premises Licence - Transitional	B	768
07:00:00	02:00:00	16/00282/PREMTR	Number 12	12 Farmers Avenue Norwich NR1 3JX	Premises Licence - Transitional	B	768
07:00:00	02:00:00	10/02337/PREMTR	Over De Flames	1 Farmers Avenue Norwich Norfolk NR1 3JX	Premises Licence - Transitional	B	768
07:00:00	02:00:00	06/01262/PREM	The Library Restaurant And Bar	4 Guildhall Hill Norwich Norfolk NR2 1JH	Premises Licence	C	1259
08:00:00	02:00:00	12/00621/PREM	Bodrum	17 Bank Plain Norwich NR2 4SF	Premises Licence	B	768
08:00:00	02:00:00	06/01224/PREM	Norwich Playhouse	Norwich Playhouse 42 - 58 St Georges Street Norwich Norfolk NR3 1AB	Premises Licence	B	768
08:00:00	02:00:00	16/00278/PREM	The Rose	The Rose 235 Queens Road Norwich Norfolk NR1 3AE	Premises Licence	B	768
08:00:00	02:00:00	07/01617/PREM	Theatre Royal (Norwich) Trust Ltd	Theatre Royal Theatre Street Norwich Norfolk NR2 1RL	Premises Licence	E	1493
09:00:00	02:00:00	15/01566/PREMTR	Bella Italia	3 Red Lion Street Norwich Norfolk NR1 3QF	Premises Licence - Transitional	C	1259
09:00:00	02:00:00	12/00857/PREM	Queen Of Icen	Unit 6 Wherry Road Norwich Norfolk NR1 1ED	Premises Licence	E	1493
09:00:00	02:00:00	05/02570/PREM	Rocco's	86 - 88 Prince Of Wales Road Norwich Norfolk NR1 1NJ	Premises Licence	C	1259
09:00:00	02:00:00	13/02297/PREMTR	Sportspark, UEA	University Of East Anglia University Drive Norwich Norfolk	Premises Licence - Transitional	E	1493
09:00:00	02:00:00	15/02140/PREM	Vudu Bar And Club	35 Prince Of Wales Road Norwich Norfolk NR1 1BG	Premises Licence	B	768
10:00:00	02:00:00	11/00681/PREM	All Bar One	1 Upper King Street Norwich Norfolk NR3 1RB	Premises Licence	D	1365
10:00:00	02:00:00	15/01591/PREMTR	Freedman Public House	112 St Mildreds Road Norwich Norfolk NR5 8RS	Premises Licence - Transitional	B	768
10:00:00	02:00:00	15/01559/PREM	Holiday Inn Norwich North	Holiday Inn Amsterdam Way Norwich Norfolk NR6 6JA	Premises Licence	E	1493
10:00:00	02:00:00	15/00874/PREMTR	La Tasca	24 Tombland Norwich Norfolk NR3 1RF	Premises Licence - Transitional	C	1259
10:00:00	02:00:00	11/01939/PREMTR	Mercure Norwich Hotel	Ramada Jarvis Hotel 121 - 131 Boundary Road Norwich Norfolk NR3 2BA	Premises Licence - Transitional	E	1493
10:00:00	02:00:00	05/03031/PREMTR	Nazma Restaurant	15 Magdalen Street Norwich Norfolk NR3 1LE	Premises Licence - Transitional	B	768
10:00:00	02:00:00	14/00810/PREM	Revolucion De Cuba	7 - 9 Queen Street Norwich Norfolk NR2 4SG	Premises Licence	D	1365
10:00:00	02:00:00	14/02558/PREM	Rileys Norwich	77-87 Magdalen Street Norwich Norfolk NR3 1AA	Premises Licence	C	1259
10:00:00	02:00:00	15/00200/PREMTR	St Andrews Brew House	39 - 41 St Andrews Street Norwich NR2 4TP	Premises Licence - Transitional	C	1259
10:00:00	02:00:00	12/00856/PREM	Surrey Tavern	44 - 46 Surrey Street Norwich NR1 3NY	Premises Licence	B	768
10:00:00	02:00:00	15/01541/PREMTR	The Marlpit	The Marlpit Hellesdon Road Norwich Norfolk NR6 5EQ	Premises Licence - Transitional	B	768
10:00:00	02:00:00	14/02144/PREMTR	The Mash Tun	16 Charing Cross Norwich Norfolk NR2 4AL	Premises Licence - Transitional	B	768
10:00:00	02:00:00	11/01758/PREMTR	The Stores Cafe Bar	107 Dereham Road Norwich Norfolk NR2 4HT	Premises Licence - Transitional	A	299
10:00:00	02:00:00	14/01816/PREMTR	The Talk	20 Oak Street Norwich NR3 3BP	Premises Licence - Transitional	C	1259
10:00:00	02:00:00	15/01580/PREMTR	Walnut Tree Shades	Walnut Tree Shades Old Post Office Court Norwich Norfolk NR2 1NG	Premises Licence - Transitional	B	768
10:30:00	02:00:00	05/03063/PREMTR	Bar Tapas	16 - 20 Exchange Street Norwich Norfolk NR2 1AT	Premises Licence - Transitional	B	768
10:30:00	02:00:00	15/00488/PREMTR	Maddermarket Theatre	Maddermarket Theatre St Johns Alley Norwich Norfolk NR2 1DR	Premises Licence - Transitional	B	768
10:30:00	02:00:00	06/01087/PREMTR	Olive's	40 Elm Hill Norwich Norfolk NR3 1HG	Premises Licence - Transitional	B	768
11:00:00	02:00:00	13/02230/PREMTR	Bedfords	1 Old Post Office Yard Norwich Norfolk NR2 1SL	Premises Licence - Transitional	B	768
11:00:00	02:00:00	16/00275/PREM	Lamb Inn	Orford Street Norwich	Premises Licence	D	1365
11:00:00	02:00:00	10/01199/PREMTR	Lollards Pit	The Bridge House 69 - 71 Riverside Road Norwich NR1 1SR	Premises Licence - Transitional	B	768
11:00:00	02:00:00	15/01627/PREMTR	Paolo's	1 St Giles Street Norwich Norfolk NR2 1JJ	Premises Licence - Transitional	B	768
11:00:00	02:00:00	15/00655/PREM	Steam Packet	39 Crown Road Norwich Norfolk NR1 3DT	Premises Licence	B	768
11:00:00	02:00:00	13/01282/PREMTR	The Kings Head	42 Magdalen Street Norwich Norfolk NR3 1JE	Premises Licence - Transitional	B	768
11:00:00	02:00:00	10/01223/PREMTR	The Moles Rest	Red Roofs Fifers Lane Norwich Norfolk NR6 6EQ	Premises Licence - Transitional	B	768
11:00:00	02:00:00	06/01536/PREMTR	The Quebec Tavern	93-97 Quebec Road Norwich Norfolk NR1 4HY	Premises Licence - Transitional	B	768
11:00:00	02:00:00	05/02885/PREMTR	Wild Man	29 Bedford Street Norwich Norfolk NR2 1AG	Premises Licence - Transitional	B	768
11:00:00	02:00:00	15/02486/PREMTR	Woolpack Yard	2 Muspole Street Norwich Norfolk NR3 1DJ	Premises Licence - Transitional	B	768
12:00:00	02:00:00	07/01806/PREMTR	Prince Of India	19 Prince Of Wales Road Norwich Norfolk NR1 1BD	Premises Licence - Transitional	B	768

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09:00:00	02:30:00	06/00585/PREMTR	Brickmakers Public House	496 Sprowston Road Norwich Norfolk NR3 4DY	Premises Licence - Transitional	B	768
09:00:00	02:30:00	08/01208/PREMTR	Vue Cinema	122-125 Castle Mall Norwich Norfolk NR1 3DD	Premises Licence - Transitional	E	1493
10:00:00	02:30:00	12/01933/PREM	Catherine Wheel	61 St Augustines Street Norwich NR3 3BG	Premises Licence	B	768
10:00:00	02:30:00	09/00357/PREMTR	Fallen Angels	7A Timberhill Norwich Norfolk NR1 3JZ	Premises Licence - Transitional	B	768
07:00:00	02:45:00	14/00619/PREM	Revolution	6 Queen Street Norwich Norfolk NR2 4SQ	Premises Licence	C	1259
00:01:00	03:00:00	12/01676/PREM	Zootz	13 - 17 Bank Plain Norwich NR2 4SF	Premises Licence	C	1259
07:00:00	03:00:00	13/00214/PREMTR	Bond	27-28 Tombland Norwich Norfolk NR3 1RE	Premises Licence - Transitional	C	1259
07:00:00	03:00:00	07/01581/PREM	Frank's Bar	19 Bedford Street Norwich Norfolk NR2 1AR	Premises Licence	B	768
08:00:00	03:00:00	12/01548/PREM	Claren's Food And Wine	Solar Essence Ltd 30 Prince Of Wales Road Norwich NR1 1LG	Premises Licence	B	768
08:00:00	03:00:00	15/02314/PREM	Hideout	1 Queen Street Norwich NR2 4SG	Premises Licence	C	1259
08:00:00	03:00:00	13/01965/PREMTR	The Whalebone	The Whalebone 144 Magdalen Road Norwich Norfolk NR3 4BA	Premises Licence - Transitional	B	768
09:00:00	03:00:00	13/02303/PREMTR	Mojo's & Hotel Belmonte	60 - 62 Prince Of Wales Road Norwich Norfolk NR1 1LT	Premises Licence - Transitional	B	768
09:00:00	03:00:00	07/01296/PREMTR	Norwich City Football Club	Norwich City Football Club Carrow Road Norwich Norfolk NR1 1JE	Premises Licence - Transitional	E	1493
10:00:00	03:00:00	15/01846/PREMTR	Be At One	23 Bank Plain Norwich Norfolk NR2 4SF	Premises Licence - Transitional	C	1259
10:00:00	03:00:00	13/01066/PREMTR	Coast To Coast	Norwegian Blue Wherry Road Norwich Norfolk NR1 1WX	Premises Licence - Transitional	D	1365
10:00:00	03:00:00	15/00239/PREM	EPIC (East Of England Production Innovation Centre)	112 - 114 Magdalen Street Norwich Norfolk NR3 1JD	Premises Licence	C	1259
10:00:00	03:00:00	14/02303/PREMTR	Gringos	25 Prince Of Wales Road Norwich Norfolk NR1 1BG	Premises Licence - Transitional	B	768
10:00:00	03:00:00	15/02487/PREMTR	House Of Tiagos	Erpingham House 22 Tombland Norwich Norfolk NR3 1RF	Premises Licence - Transitional	B	768
10:00:00	03:00:00	15/02489/PREM	Mr Postles	2 Upper King Street Norwich NR3 1HA	Premises Licence	C	1259
10:00:00	03:00:00	05/03200/PREMTR	Norwich Arts Centre	Norwich Arts Centre St Benedicts Street Norwich Norfolk NR2 4PG	Premises Licence - Transitional	B	768
10:00:00	03:00:00	13/02423/PREMTR	Pig And Whistle	2 - 8 All Saints Green Norwich Norfolk NR1 3NA	Premises Licence - Transitional	C	1259
10:00:00	03:00:00	13/00761/PREM	Sing Sing	54 - 58 Prince Of Wales Road Norwich Norfolk NR1 1LL	Premises Licence	B	768
10:00:00	03:00:00	16/00230/PREMTR	Vanity	16 Prince Of Wales Road Norwich Norfolk NR1 1LB	Premises Licence - Transitional	B	768
11:00:00	03:00:00	13/01287/PREM	Chicago Rock Cafe	24 - 28 Prince Of Wales Road Norwich Norfolk NR1 1LG	Premises Licence	C	1259
11:00:00	03:00:00	11/00551/PREM	Project	Unit 1b Riverside Norwich Norfolk NR1 1UX	Premises Licence	E	1493
11:00:00	03:00:00	14/01729/PREM	Sakura	25 Ber Street Norwich Norfolk NR1 3EU	Premises Licence	B	768
11:00:00	03:00:00	06/01093/PREMTR	The Waterfront	The Waterfront 139-141 King Street Norwich Norfolk NR1 1QH	Premises Licence - Transitional	B	768
27927							
10:00:00	03:15:00	15/01111/PREM	Gonzo's Tea Room	68 London Street Norwich NR2 1JT	Premises Licence	B	768
08:00:00	03:30:00	09/01002/PREMTR	The Castle	The Castle Public House 1 Spitalfields Norwich Norfolk NR1 4EY	Premises Licence - Transitional	B	768
09:00:00	03:30:00	15/02529/PREMTR	Union House/The Shop	University Of East Anglia University Plain Norwich Norfolk NR4 7TJ	Premises Licence - Transitional	E	1493
10:00:00	03:30:00	15/00580/PREM	Fluke	57 Prince Of Wales Road Norwich Norfolk NR1 1BL	Premises Licence	B	768
10:00:00	03:30:00	14/00881/PREMTR	Stadia	The Office 19 Upper King Street Norwich NR3 1RB	Premises Licence - Transitional	C	1259
14:00:00	03:30:00	12/00538/PREM	9 Club	37 Prince Of Wales Road Norwich NR1 1BG	Premises Licence	B	768
10:00:00	03:45:00	14/02692/PREM	Bar 52	52 Prince Of Wales Road Norwich NR1 1LL	Premises Licence	B	768
10:00:00	03:45:00	14/02269/PREM	Senses	15 Prince Of Wales Road Norwich NR1 1BD	Premises Licence	C	1259
11:00:00	03:45:00	15/00837/PREM	Wonderland	Unit 1b Riverside Norwich Norfolk NR1 1UX	Premises Licence	E	1493
07:00:00	04:00:00	11/01066/PREM	Bar 11	9 - 11 Upper King Street Norwich NR3 1RB	Premises Licence	B	768
08:00:00	04:00:00	15/01489/PREM	Flaunt	75 Prince Of Wales Road Norwich NR1 1DG	Premises Licence	D	1365
08:00:00	04:00:00	15/01490/PREM	Lace	75 Prince Of Wales Road Norwich NR1 1DG	Premises Licence	D	1365
08:00:00	04:00:00	14/00803/PREMTR	Mantra Club And Lounge	50 Prince Of Wales Road Norwich Norfolk NR1 1LL	Premises Licence - Transitional	C	1259
08:00:00	04:00:00	14/01488/PREM	Qube	Ground Floor 81 Prince Of Wales Road Norwich NR1 1DG	Premises Licence	B	768
09:00:00	04:00:00	12/02323/PREM	Hong Kong Fusion Restaurant And Bar	22 - 22A Prince Of Wales Road Norwich NR1 1LB	Premises Licence	B	768
09:00:00	04:00:00	15/01551/PREMTR	Lost	63 - 67 Prince Of Wales Road Norwich Norfolk NR1 1DG	Premises Licence - Transitional	C	1259
10:00:00	04:00:00	15/02275/PREMTR	Bronx	20 Prince Of Wales Road Norwich NR1 1LB	Premises Licence - Transitional	B	768
10:00:00	04:00:00	14/00811/PREMTR	Mercy XS	90 - 98 Prince Of Wales Road Norwich Norfolk NR1 1NJ	Premises Licence - Transitional	E	1493
10:00:00	04:00:00	11/00502/PREM	Olive Tree	61 Prince Of Wales Road Norwich NR1 1BL	Premises Licence	B	768
10:00:00	04:00:00	15/00195/PREMTR	Prince Of Wales PH	Prince Of Wales Public House Prince Of Wales Road Norwich Norfolk NR1 1LB	Premises Licence - Transitional	C	1259

Late Night Levy - Potential income if introduced May 2016

10:00:00	04:00:00	12/01710/PREM	Sugar & Spice	V Va Vo Ce 39 Prince Of Wales Road Norwich NR1 1BG	Premises Licence	B	768
10:00:00	04:00:00	07/00929/PREMTR	The Loft	The Loft 80 Rose Lane Norwich Norfolk NR1 1PT	Premises Licence - Transitional	B	768
10:00:00	04:00:00	10/01410/PREMTR	William IV	33 Quebec Road Norwich Norfolk NR1 4AU	Premises Licence - Transitional	B	768
11:00:00	04:00:00	15/02493/PREMTR	Karma Kafe	18 Bedford Street Norwich Norfolk NR2 1AG	Premises Licence - Transitional	B	768
11:00:00	04:00:00	13/01017/PREM	Late Liquor, Unit 6F	Mile Cross Depot Mile Cross Road Norwich NR3 2DY	Premises Licence	A	299
11:00:00	04:00:00	13/01302/PREMTR	Pure	24 - 28 Prince Of Wales Road Norwich Norfolk NR1 1LG	Premises Licence - Transitional	C	1259
12:00:00	04:00:00	14/02191/PREM	Uni-Booze	Unit 5B Mile Cross Business Centre Mile Cross Road Norwich NR3 2DY	Premises Licence	A	299
26113							
00:00:00	00:00:00	10/01220/PREM	Alco-Call	9 Hewett Yard Hall Road Norwich Norfolk NR1 2SE	Premises Licence	A	299
00:00:00	00:00:00	06/00052/PREMTR	Arkwrights Social Club	Arkwrights Social Club Hobart Square Norwich Norfolk NR1 3JB	Premises Licence - Transitional	B	768
00:00:00	00:00:00	13/02384/PREM	Asda	Former Bally Shoe Factory Ltd Hall Road Norwich NR4 6DP	Premises Licence	C	1259
00:00:00	00:00:00	11/00279/PREM	Budgens	Budgens 101 Prince Of Wales Road Norwich NR1 1DW	Premises Licence	C	1259
00:00:00	00:00:00	12/00537/PREM	Castle Services	Castle Service Station Rose Lane Norwich Norfolk NR1 1BY	Premises Licence	B	768
00:00:00	00:00:00	13/02085/PREM	Cinema City	Cinema City St Andrews Street Norwich NR2 4AD	Premises Licence	B	768
00:00:00	00:00:00	14/01207/PREM	Clarke's Billiards And Snooker Club	85 Barker Street Norwich NR2 4TN	Premises Licence	B	768
00:00:00	00:00:00	15/01582/PREM	Costcutter Express St Benedicts Filling Station 439	9 Dereham Road Norwich Norfolk NR2 4HY	Premises Licence	B	768
00:00:00	00:00:00	14/01888/PREM	Holiday Inn - Norwich	Holiday Inn Carrow Road Norwich Norfolk NR1 1HU	Premises Licence	A	299
00:00:00	00:00:00	13/00019/PREM	Mallie News	83 Prince Of Wales Road Norwich Norfolk NR1 1DG	Premises Licence	B	768
00:00:00	00:00:00	16/00236/PREM	MRH Ring	Ring Service Station Mile Cross Lane Norwich Norfolk NR6 6SH	Premises Licence	C	1259
00:00:00	00:00:00	15/01124/PREM	Platinum Lace	Spearmint Rhino Club And Premises 1st And 2nd Floors 15 Dove Street Norwich NR2 1DE	Premises Licence	B	768
00:00:00	00:00:00	05/01752/PREMTR	The Marlborough Arms	43 Spencer Street Norwich Norfolk NR3 4PB	Premises Licence - Transitional	B	768
00:00:00	00:00:00	12/02264/PREM	Travelodge	Temple House 8 - 12 St Vedast Street Norwich NR1 1BT	Premises Licence	E	1493
00:00:00	00:00:00	13/02304/PREM	Travelodge Norwich	Travelodge Hotel 14 Queens Road Norwich Norfolk NR1 3PR	Premises Licence	A	299
12311							

Report to	Licensing committee	Item 9
	9 June 2016	
Report of	Head of citywide services	
Subject	Members of the licensing committee serving on licensing sub-committees	

Purpose

To inform members of alterations to the selection of members serving on licensing sub-committees

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 Kendrick – Neighbourhoods and community safety

Contact officers

Tony Shearman, licensing manager

01603 212761

Background documents

None

Report

1. The sale of alcohol and provision of entertainment is regulated under the Licensing Act 2003.
2. The decision making process regarding contested applications for premises licences, made under this legislation, involves forming a licensing sub-committee of members drawn from the full Licensing committee, normally three.
3. Since the introduction of the Licensing Act 2003, Norwich City Council has operated a policy, albeit an unwritten one, that the members serving on any such licensing sub-committee, should not include those representing the ward within which the premises is located.
4. This policy is not required by the legislation and it is unclear some 11 years later, why it was introduced. This exclusion of relevant ward members is not apparent in other similar decision making processes, such as planning committee hearings.
5. Unless a relevant ward member is in a position that they would have to declare an interest in a particular premises or application, as would be the case for any elected member; it is considered that a ward member would be a reasonable person to make informed decisions relating to matters within their ward.
6. Therefore, future licensing sub-committees may be served by members from within and outside the relevant ward.

Report to Licensing committee
9 June 2016
Report of Head of citywide services
Subject Hackney Carriage licensing policy

Item

10

Purpose

To consider a minor alteration to the 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.

Recommendation

That members resolve to include the minor alteration as detailed in the report.

Corporate and service priorities

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

Financial implications: None

Ward/s: All wards

Cabinet member: Councillor Kendrick – Neighbourhoods and community safety

Contact officers: Tony Shearman, licensing manager 01603 212761

Background documents: None

1.0 Report

- 1.1 At the last Licensing committee meeting, 10 March 2016, members agreed to introduce the policy as attached at appendix A.
- 1.2 Section 21 of the policy sets out the circumstances whereby an officer of the council, of at least Head of Service level, may suspend a hackney carriage or private hire drivers licence in the interests of public safety.
- 1.3 In the past, interim suspension of such a licence has been considered an appropriate method of ensuring public safety is maintained, whilst a formal outcome is awaited, where serious allegations are concerned.
- 1.4 As a result of a court case, R-Singh-v-Cardiff-City-Council-2012-EWHC-1852-Admin – copy attached at appendix B, and advice from our legal advisors, interim suspension of a licence, pending the outcome of an investigation or court case, may not be option available to the local authority. This is due to the courts' opinion that any suspension is considered a final outcome of the consideration of a case, rather than an interim measure, as detailed in para. 103 of the decision.
- 1.5 Therefore, in order for the Head of Service to be able to deal appropriately with allegations of a serious nature against a licensed driver, consideration would need to be given as to whether a licence revocation would be necessary, taking into account the full details available at the time.
- 1.6 As the current policy only caters for the Head of Service to suspend a licence, it is recommended that section 21 is amended to include the words 'or revoked' as set out below:-

'21. Suspensions / Revocations

A licence may be suspended or revoked by an Officer of the Council, of at least Head of Service level, with immediate effect, in the interest of public safety

2.0 Options

The Committee may

- Grant the policy update as requested
- Refuse to grant the policy update requested
- Amend the policy update as they see fit.

Report to Licensing
20 December 2012
Report of Head of citywide services
Subject Hackney carriage vehicle and driver licensing

Purpose

To consider the results of public consultation asking whether the council should apply specific age limits in respect of hackney carriage vehicle licences; and review standards relating to exhaust emissions.

Recommendation

That members resolve to adopt with effect from 1 April 2013 the proposed hackney carriage vehicle licence conditions detailed in paragraph 9 of the report.

Corporate and service priorities

The report helps to meet the corporate priority 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 – Environment and neighbourhoods

Contact officers

Ian Streeter, licensing manager

01603 212439

Background

1. At the meeting of the Licensing committee on 14 June 2012 members considered a report containing the results of a public consultation which asked whether the council should:
 - restrict the number of hackney carriage vehicle licences issued;
 - apply specific age limits in respect of hackney carriage vehicle licences;
 - review standards relating to exhaust emissions;
 - amend the licensing criteria for hackney carriage vehicle drivers; and
 - clarify the hackney carriage vehicle mechanical fitness test.

A copy of the report and subsequent minute is attached at appendix A.

2. Members resolved to:

- (1) with seven members voting in favour (Councillors Barker, Button, Kendrick, Lay, Manning, Price and Wright) and two members against (Councillors Neale and Stammers), not to place a numerical limit on the number of hackney carriage vehicle licences issued by the authority;
- (2) to defer consideration of the adoption of the proposed hackney carriage vehicle licence conditions detailed in paragraph 32 of the report and the potential impact on accident insurance to the next licensing committee;
- (3) to implement a computerised system to test the route knowledge, language, numeracy skills and 'Green Book' knowledge of applicants for hackney carriage drivers licences;
- (4) to agree a review of the byelaws, regulations and conditions applicable to hackney carriage and private hire vehicle proprietors, drivers and operators ('The Green Book'); and
- (5) to ask the head of city development services to consider the feasibility of providing additional taxi rank spaces.

3. Clarification was sought from the Norwich Hackney Trade Association over the "potential impact on accident insurance" which would result from the adoption of the proposed hackney carriage vehicle licence conditions.

Revised hackney carriage vehicle licence conditions

4. Paragraphs 23 to 32 of the report at appendix A relate to reviewing the standards in respect of hackney carriage vehicle exhaust emissions. One of the proposed conditions read:

(3) On initial licensing the vehicle must meet the Euro V exhaust emission standards by virtue of the vehicle's date of manufacture.

The issues raised by the Norwich Hackney Trade Association over the "potential impact on accident insurance" were in relation to this proposed condition. Specifically, the Association's concerns were in respect of the

situation that could arise where an existing licensed hackney carriage vehicle which had been involved in an accident was 'written off' by the insurance company and the financial settlement provided by the insurance company would be insufficient to purchase a replacement hackney carriage vehicle which would comply with the proposed condition.

5. Members are asked to consider the revised condition below which should address the concerns raised by the Norwich Hackney Trade Association.

(3) (i) On initial licensing the vehicle must meet the Euro V exhaust emission standards by virtue of the vehicle's date of manufacture.

(ii) A vehicle is exempted from the requirements of condition (3)(i) above providing the following criteria are met:

- (a) the licence applied for is to replace a current hackney carriage vehicle licence issued by Norwich city council where the vehicle which is the subject of the current licence has been declared a 'total loss' by the motor insurance provider in respect of that vehicle.*
- (b) Suitable documentary evidence shall be provided from the motor insurance provider to confirm that the vehicle to which the current hackney carriage vehicle licence relates has been declared a 'total loss'.*
- (c) The hackney carriage vehicle licence and licence plate in respect of the currently licensed vehicle which has been declared a 'total loss' should, where reasonably practicable, be returned to the licensing authority.*
- (d) The vehicle for which the licence is applied for shall meet, as a minimum, the relevant Euro exhaust emission standard of the vehicle which is the subject of the current hackney carriage vehicle licence which it seeks to replace, subject to compliance with condition (2) above.*

Adoption of revised hackney carriage vehicle licence conditions

6. Members will note from appendix A that the report recommended the proposed hackney carriage vehicle licence conditions be adopted with effect from 1 July 2012, approximately two and a half weeks from the date of the committee on 14 June. Members will also note from the minutes that Mr Williment, secretary of the Norwich Hackney Trade Association, asked members to delay the adoption of the proposed hackney carriage vehicle licence conditions for six months to provide adequate time for existing members of the trade to implement the changes.
7. During subsequent discussions, Mr Williment explained that the reason for requesting a six month delay in adopting the proposed conditions was due to restricted opportunities for existing vehicle proprietors to comply with the conditions when purchasing replacement vehicles. In other words, those proprietors who were considering replacing their current vehicle would have

a limited time to purchase a vehicle other than one which met the Euro V exhaust emission standard, the cost of which would be considerably higher than a typical Euro III standard vehicle. It was suggested to Mr Williment that a period of three months before the proposed conditions become effective may be more appropriate.

Summary

8. Members have previously considered revisions to existing hackney carriage vehicle licence conditions based upon exhaust emission standards. The Norwich Hackney Trade Association raised concern over the replacement of existing licensed vehicles following insurance 'total loss' vehicle write-offs and the implementation period for the revised conditions.
9. Taking into account the issues raised, it is proposed that the following hackney carriage vehicle licence conditions be adopted with effect from 1 April 2013.
 - (2)
 - (i) Licensed hackney carriage vehicles compliance tested after 1 April 2015 must meet Euro III exhaust emission standards either by virtue of the vehicle's date of manufacture, or by way of an approved conversion.
 - (ii) Licensed hackney carriage vehicles compliance tested after 1 April 2017 must meet Euro IV exhaust emission standards either by virtue of the vehicle's date of manufacture, or by way of an approved conversion.
 - (iii) Licensed hackney carriage vehicles compliance tested after 1 April 2019 must meet Euro V exhaust emission standards either by virtue of the vehicle's date of manufacture, or by way of an approved conversion.
 - (3)
 - (i) On initial licensing the vehicle must meet the Euro V exhaust emission standards by virtue of the vehicle's date of manufacture.
 - (ii) A vehicle is exempted from the requirements of condition (3)(i) above providing the following criteria are met:
 - (a) the licence applied for is to replace a current hackney carriage vehicle licence issued by Norwich city council where the vehicle which is the subject of the current licence has been declared a 'total loss' by the motor insurance provider in respect of that vehicle.
 - (b) Suitable documentary evidence shall be provided from the motor insurance provider to confirm that the vehicle to which the current hackney carriage vehicle licence relates has been declared a 'total loss'.
 - (c) The hackney carriage vehicle licence and licence plate in respect of the currently licensed vehicle which has been

declared a 'total loss' should, where reasonably practicable, be returned to the licensing authority.

(d) The vehicle for which the licence is applied for shall meet, as a minimum, the relevant Euro exhaust emission standard of the vehicle which is the subject of the current hackney carriage vehicle licence which it seeks to replace, subject to compliance with condition (2) above.

- (4) Vehicles aged 10 years or older will be subject to six monthly compliance testing.

APPENDIX A

Report to	Licensing	Item
	14 June 2012	
Report of	Head of citywide services	
Subject	Hackney carriage vehicle and driver licensing	

Purpose

To consider the results of public consultation asking whether the council should:

- restrict the number of hackney carriage vehicle licences issued;
- apply specific age limits in respect of hackney carriage vehicle licences;
- review standards relating to exhaust emissions;
- amend the licensing criteria for hackney carriage vehicle drivers; and
- clarify the hackney carriage vehicle mechanical fitness test.

Recommendation

That Members resolve:

- not to place a numerical limit on the number of hackney carriage vehicle licences issued by the authority;
- to adopt with effect from 1 July 2012 the proposed hackney carriage vehicle licence conditions detailed in paragraph 32 of the report;
- to implement a computerised system to test the route knowledge, language, numeracy skills and 'Green Book' knowledge of applicants for hackney carriage drivers licences;
- to agree to a review of the byelaws, regulations and conditions applicable to hackney carriage and private hire vehicle proprietors, drivers and operators ('The Green Book').
- to ask the Head of city development services to consider the feasibility of providing additional taxi rank spaces

Corporate and service priorities

The report helps to meet the corporate priority 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

The initial £2,000 cost and annual licence cost of £300 for the computerised driver test will be funded from existing budget.

Ward/s: All wards

Cabinet member: Councillor Driver – Environment and neighbourhoods

Background

10. At the meeting of the Licensing committee on 31 March 2011 members considered a report following a request from the hackney carriage trade that the council review the current policy in relation to the granting of hackney carriage vehicle licences. Members resolved that the senior licensing officer be asked to carry out consultation with the hackney carriage trade and general members of the public on the following matters:

- restricting the number of hackney carriage vehicle licences issued
- applying specific age limits in respect of hackney carriage vehicle licences
- review standards relating to exhaust emissions
- amending the licensing criteria for hackney carriage vehicle drivers
- clarifying the hackney carriage vehicle mechanical fitness test.

11. The committee were informed at their meeting in September 2011 that unfortunately, due to unavoidable resource issues and other priorities, work on the consultation had been delayed and it was now planned to complete this work by March 2012

12. The public consultation was carried out between 5 March and 30 April 2012 via an online survey and was publicised in the spring edition of the council's Citizen magazine. All hackney carriage proprietors were written to informing them of the consultation and how to take part.

Consultation

13. The headline results of the online survey are attached at Appendix A. Written representations from the Norwich Hackney Trade Association are attached at Appendix B.

14. More detailed findings from the consultation are set out in the tables below.

Question 3: (if answer 'Yes;') What should the upper age limit be when black cabs are first licensed?

Age of vehicle		New	2 years old	3 years old	4 years old	5 years old	6 years old	7 years old

No. of responses		3	1	5	1	20	1	2
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Question 5: (if answer to question 4 'Yes') What should the upper age limit be for black cabs already licensed?

Age of vehicle		5 years old	6 years old	7 years old	8 years old	10 years old	10+ years old
No. of responses		6	2	1	1	18	10

Question 6: (if answer to question 4 'No') Should any other criteria to be applied in respect of the age of vehicles (eg more regular testing)?

Summary of responses:
Consistent testing – remove 'exceptionally good condition'
More regular emissions testing – paid for by taxi proprietors
Twice a year testing, regardless of age
As long as vehicle passes test – no problem
Current system twice yearly seems sufficient
As PCO (Public Carriage Office, London), 6 monthly inspections for all vehicles regardless of age

Question 8: If a higher standard (of exhaust emissions) is adopted what period of time should be given for existing licensed black cabs to meet the standard?

Period of time		Up to 6 months	Up to next MOT	1 year	2 years	3 years	5 years	10 years
No. of responses		5	1	16	18	8	8	2

Question 9: (if answer 'Yes') Please specify any other element of a knowledge test that should also be applied for black cab drivers?

Summary of responses:
Clear communication
B-Tech in taxi driving
Street knowledge
Customer care / safe wheelchair loading
Driving standards
English test
Highway code and 'roadcraft' test to PCV and LGV standard
Regular change of knowledge test questions to stop 'cheat sheets' being used

Question 10: Are there any other requirements that a black cab driver should satisfy before being granted a licence (eg language or numerical test)?

Summary of responses:
Language and numerical testing
Communication skills / courtesy
Drivers should clearly speak and understand English, as is the local language requirements in Spain, France, Germany and Italy
Should at least be able to command the English language to a reasonable standard to communicate with customers

Question 11: Do you think anything else should be added to this black cab 'MOT'?

Summary of responses:
Sort out 'exceptionally good condition' rule
Proof of regular servicing to be displayed in cab
Check air conditioning working
Cleanliness inspection of passenger compartment
Heating system check

Question 12: Any additional and relevant information that you feel might be helpful for this consultation.

Summary of responses:
Find additional rank space
Drivers dress / appearance is scruffy
Ban renting cabs – employ drivers and pay wages so HMRC can check
Drivers 'MOT', driving skills etc
Limiting number financially unfair
Should be a government or council run MOT station
Limiting hours worked – no more than 12 a day
To many licences to drivers being issued
Dress code for drivers
Oppose any reduction in the number of licences issued
Priority should be to ensure free entry to the market subject to satisfying basic standards of safety, non-criminality, knowledge etc. Restricting access to the market raises prices.

15. In their response, the Norwich Hackney Trade Association have made three recommendations, prioritised in the following order:

1. To prevent the situation deteriorating further the council should place a temporary cap on hackney vehicle licenses at the present number. Several councils have now taken this approach, including most recently Watford. Measures should be taken to avoid a black-market in licenses forming, with owners leaving the trade being required to return their licenses to the council, but allowing existing owners to transfer their license if changing to a different vehicle. The council could set a date, say two or three years on, when this policy should be reviewed. As a temporary policy brought about by exceptional economic conditions, any unmet need survey would not need to be as robust as for a permanent policy, and as such the costs might well be lower. Such costs as there are could be partially recouped by a levy on hackney vehicle license fees.

2. Various measures should be improved or introduced to make new hackney drivers' licenses harder to obtain. Accounts abound of some recent new drivers having an appalling lack of knowledge of the city and its surrounds and of lacking basic knowledge of how their wheelchair ramps work. The knowledge test should be made harder and should be fully computerised along the lines of the driving license theory test, with any additional costs falling on applicants. New entrants should be required to have passed the NVQ B-Tech qualification, which includes taxi and private hire knowledge and how to assist disabled people. Individuals with existing private hire drivers' licenses should be made to take the full hackney driving assessment and wheelchair test, as well as the knowledge one.

3. The term "exceptional condition" in the specifications should be replaced by a specific set of words with some actual meaning. We have accounts of testers saying that, in their opinion, any vehicle which passes the mechanical test is in this exceptional condition. This must be nonsense or else why would the words have been added in the first place? Whatever words are chosen must ensure that the vehicle condition must be something over and above the mechanical test.

Restricting the number of hackney carriage vehicle licences issued

16. By virtue of Section 16 of the Transport Act 1985, a district council may refuse an application for a hackney carriage vehicle licence in order to limit numbers only if they are satisfied that there is no significant unmet demand for taxi services in that area. This does not mean that district councils must limit hackney carriage vehicle numbers if they are satisfied that demand in their area is totally met, but acts to forbid district councils from restricting numbers for any other reason.

17. A Licensing Authority is not obliged to give reasons for not limiting taxi numbers, nor does it need to conduct a demand survey before deciding to

cease limiting numbers if such a restriction is in place. If a limit is in operation, the local authority is required to periodically re-assess whether or not there is unmet demand for taxi services.

18. The Department for Transport (Dft) first issued Best Practice Guidance in October 2006 to assist those local authorities in England and Wales that have responsibility for the regulation of the taxi and private hire vehicle (PHV) trades. The most recent edition of the guidance was published in February 2010.
19. The issue of quantity restrictions in relation to hackney carriage vehicle licensing outside London is contained in paragraphs 45 -51 of the latest guidance, which are reproduced below.

45. The present legal provision on quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis 'if, but only if, the [local licensing authority] is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet'.

46. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

47. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?

48. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.

49. If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any

challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.

50. As to the conduct of the survey, the Department's letter of 16 June 2004 set out a range of considerations. But key points are:

the length of time that would-be customers have to wait at ranks.

However, this alone is an inadequate indicator of demand; also taken into account should be...

waiting times for street hailings and for telephone bookings. But waiting times at ranks or elsewhere do not in themselves satisfactorily resolve the question of unmet demand. It is also desirable to address...

latent demand, for example people who have responded to long waiting times by not even trying to travel by taxi. This can be assessed by surveys of people who do not use taxis, perhaps using stated preference survey techniques.

peaked demand. It is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant' for the purpose of the Transport Act 1985. The Department does not share that view. Since the peaks in demand are by definition the most popular times for consumers to use taxis, it can be strongly argued that unmet demand at these times should not be ignored. Local authorities might wish to consider when the peaks occur and who is being disadvantaged through restrictions on provision of taxi services.

consultation. As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups (which should include groups representing people with disabilities, and people such as students or women), the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes (such as train operators, who want taxis available to take passengers to and from stations);

publication. All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.

financing of surveys. It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call in question the impartiality and objectivity of the survey process.

51. Quite apart from the requirement of the 1985 Act, the Department's letter of 16 June 2004 asked all local licensing authorities that operate quantity restrictions to review their policy and justify it publicly by 31 March 2005 and at least every three years thereafter. The Department also expects the justification for any policy of quantity restrictions to be included

in the Local Transport Plan process. A recommended list of questions for local authorities to address when considering quantity controls was attached to the Department's letter.

20. Members will note from paragraph 47 of the Dft guidance that the Department regards as best practice those licensing authorities who do not impose quantity restrictions.
21. In July 2011, the Law Commission agreed to undertake a law reform project on the law of taxis and private hire vehicles. The Commission have recently published a consultation document and in their summary under the heading "Outline of key proposed changes", item 5 reads "Licensing authorities could no longer limit the number of taxi licences".
22. This is expanded upon under "The main themes of reform" under the sub-heading "Taxis and quantity restrictions" and reads:

We also provisionally propose that the power to limit the number of taxis which can be licensed in a licensing area should be removed. We accept that there are some good arguments for retaining the power (although not on the existing basis of a bureaucratic assessment of unmet demand), but provisionally consider that on balance quantity regulation is not justified. Transport for London does not have the power to limit the number of taxi licences, so our provisional proposal makes no change for the capital.
23. In the response from the Norwich Hackney Trade Association, reference is made to other authorities who have placed a temporary 'cap' on hackney carriage vehicle licences and Watford borough council is named as the most recent. In a survey carried out by the National Private Hire Association in October 2010, out of 342 licensing authorities surveyed, 82 (or 24%) restricted the number of hackney carriage vehicle licences they issued.
24. Information available from Watford borough council's website reveals that a limit of 304 hackney carriage vehicle licences was set on 19 January 2012. The vehicles licensed include 'London-style taxis', 'people-carriers' or saloon/estate cars. Population and statistical information reveals that the population estimate by the Office for National Statistics (ONS) as at June 2010 for Watford borough was 86,000.
25. Comparing the information in paragraph 15 above with Norwich, the current number of hackney carriage vehicle licences issued is 218, hackney carriage vehicle licences will only be issued to vehicles that meet the council's standard vehicle specification (i.e. 'London-style taxis' and Peugeot E7) and the population estimate at the same period from the ONS was 143,500.
26. The Norwich Hackney Trade Association have suggested that a 'temporary cap' on hackney carriage vehicle licences could be applied at their present number for a period of two or three years and, due to the exceptional economic conditions, any unmet demand survey would not need to be as robust as a permanent policy. The DfT guidance recommends that the council should be reasonably satisfied that there was no significant unmet demand and that the survey should *"be approached in terms of the interests*

of the travelling public - that is to say, the people who use taxi services". To establish that 'no significant unmet demand' existed would require a specialist survey being undertaken, the costs of which can run into thousands of pounds. The DfT recommends that the maximum period between such surveys should be three years. There is no provision within the licensing budget for such surveys, the cost of which would have to be borne solely by hackney carriage vehicle licence holders.

27. Taking into account the DfT guidance and the proposal from the Law Commission, it is difficult to recommend an approach where vehicle licences are purely restricted by number.

Applying specific age limits in respect of hackney carriage vehicle licences

28. Two of the conditions attached to all hackney carriage vehicle licences are related to the age of the vehicle, firstly regarding initial licensing and secondly in respect of how long the vehicle can be licensed. These conditions are:

3. On initial licensing the age of the vehicle shall not exceed 5 years unless passed by the Director of Regeneration and Development as in exceptionally good condition.

4. The age of the vehicle shall not exceed 10 years unless passed by the Director of Regeneration and Development as in exceptionally good condition.

29. The public consultation has raised an issue concerning the age of vehicles, in that if a vehicle passes the council's compliance test ('MOT') should it not be licensed on that basis only? It can be argued that the issue of vehicle age is somewhat arbitrary as an older vehicle may be in better condition than a newer one due to regular servicing, better maintenance and a lower mileage

30. Additionally, the Norwich Hackney Trade Association raised concerns over the phrase "exceptionally good condition" and about how this is applied in respect of the conditions outlined above. In practical terms it is the vehicle testers who carry out the council's hackney carriage vehicle compliance test who make a subjective assessment as to whether a vehicle is in exceptionally good condition. Up until two years ago, the testing of hackney carriages was carried out by one contractor, City Care, and there were a very limited number of testers who carried out the compliance tests. However, following the closure of City Care, and the tendering of the testing contract, the testing of hackney carriage vehicles is now carried out by three different providers using a number of testers. Accordingly, the subjective view of 'exceptionally good condition' has expanded.

31. Taking account of the views expressed during the consultation, it is recommended that the existing conditions are reviewed and any reference to age limits or 'exceptionally good condition' should be removed. The condition

of vehicles should be a matter for the compliance test which contains objective standards against which vehicles can be tested.

Review standards relating to exhaust emissions

32. Section 10 of the current hackney carriage vehicle specification relating to exhaust systems reads:

10. All exhaust systems must comply with the requirements of C & U Regulation 54.

The specification does not contain standards relating to exhaust emissions. However, members may be aware of EC directives in respect of exhaust emissions which required all new vehicles to be compliant with the relevant Euro standard by a certain date (see table below).

Euro I technology	mandatory for new cars from 1992
Euro II technology	mandatory for new cars from 1996
Euro III technology	mandatory for new cars from 2000
Euro IV technology	mandatory for new cars from 2005
Euro V technology	Mandatory for new cars from 2011

33. The results of the public consultation reveal that over 64% of the people agree that the council should introduce a higher standard for exhaust emissions from black cabs. The majority of people who answered the subsequent question on the period of time to be given to existing licensed vehicles to meet any new standards gave a period of between 1–2 years
34. The council's environmental protection team have currently identified four air quality management areas (AQMA's) within the city: the Castle area of Norwich, Grapes Hill, St Augustine's Street and Riverside. The issue of air quality in these areas is caused by pollutants from traffic. It is proposed this Summer to revoke the existing four AQMA's and implement one central AQMA which would encompass the existing four sites and some additional areas within the city. Following the adoption of the central AQMA, an action plan will be drawn up to tackle the issues causing the air quality issues. Although this will primarily be the role of the county council, the city council will assist in the implementation.
35. Part of the action plan to address the current AQMA in the Castle area was to declare the area a Low Emission Zone (LEZ) in respect of buses and coaches, which meant that a large majority of buses and coaches must meet the Euro III emission standards before allowed entry into the LEZ. The possibility of requiring taxis to also meet this standard was previously explored in 2008 when the LEZ was proposed.
36. Introducing an exhaust emissions strategy for hackney carriages requiring vehicles to meet the Euro III standard or greater would assist in addressing the existing and proposed AQMA's. In addition, this may help to address the issues concerning the age and condition of hackney carriage vehicles by requiring newly licensed vehicles to meet the Euro V standard and existing licensed vehicles to work towards a higher standard

37. The suggested emission strategy would require vehicles manufactured after certain dates to be Euro Emission compliant. This will mean that the vehicle is either compliant with the emission standards, due to its date of manufacturer, or has undergone a certified conversion to ensure emissions meet the standard applicable at the time of compliance testing.
38. The dates contained in the table at paragraph 23 are mandatory for vehicle compliance, although it may well be perfectly feasible for some vehicles to be compliant prior to the mandatory date. In such a case, it may be necessary to refer to the vehicle log book (V5) to determine the Euro standard for that vehicle. If the information is not readily available on the log book, it would be for the vehicle proprietor to produce evidence of the vehicles Euro compliance rating when presenting the vehicle for a compliance test.
39. Certified conversions could be carried out by emission abatement technology companies which have been approved by Transport for London (Public Carriage Office) in conjunction with the Energy Saving Trust (EST), who maintain a register of approved systems and suppliers.
40. An analysis of the ages of existing licensed hackney carriages shows that by virtue of date of manufacture, 60% of vehicles should currently comply with Euro III requirements leaving 40% to be converted or replaced to meet Euro III standard or better.
41. To implement the strategy referred to in paragraph 27, the current hackney carriage vehicle licence conditions would have to be amended. The existing conditions and proposed replacement conditions are set out below.

Existing conditions:

- (2) Any vehicle licensed as a hackney carriage before 1st January 1991 may continue to be licensed only until 1st January 1996 unless the vehicle conforms to the standard specification adopted on 1st January 1991, and only so long as that vehicle continues to hold a valid Test Certificate issued by the Norwich City Council.
- (3) On initial licensing the age of the vehicle shall not exceed 5 years unless passed by the Head of citywide services as in exceptionally good condition.
- (4) The age of the vehicle shall not exceed 10 years unless passed by the Head of citywide services as in exceptionally good condition.

Proposed conditions:

- (2) (i) Licensed hackney carriage vehicles compliance tested after 1 July 2014 must meet Euro III exhaust emission standards either by virtue of the vehicle's date of manufacture, or by way of an approved conversion.

(ii) Licensed hackney carriage vehicles compliance tested after 1 July 2016 must meet Euro IV exhaust emission standards either by virtue of the vehicle's date of manufacture, or by way of an approved conversion.

(iii) Licensed hackney carriage vehicles compliance tested after 1 July 2018 must meet Euro V exhaust emission standards either by virtue of the vehicle's date of manufacture, or by way of an approved conversion.

(3) On initial licensing the vehicle must meet the Euro V exhaust emission standards by virtue of the vehicle's date of manufacture.

(4) Vehicles aged 10 years or older will be subject to six monthly compliance testing.

Amending the licensing criteria for hackney carriage vehicle drivers

42. The current licensing criteria for hackney carriage drivers requires applicants to:

- Undergo an examination with their own GP to confirm their medical fitness;
- Satisfactorily complete a driving assessment carried out by the Driver Standards Agency;
- Be the subject of a criminal records bureau check; and
- Pass a knowledge test of Norwich and its environs.

43. One of the issues raised by the Norwich Hackney Trade Association, and contained in the public consultation, related to the knowledge test and the availability of 'cheat sheets'. The current route knowledge test is a verbal test administered by a member of the licensing team in which the applicant is given a start and finish point and has to take the most direct route between the two points, naming each of the roads that they travel along. In order to pass the applicant has to correctly answer 7 out of 10 numbered questions which are chosen from a pool of questions by the applicant. The pool of questions are amended or added to and the numbering system altered on a regular basis.

44. Other issues raised include the requirements for applicants to: speak and understand basic English; to have some form of numerical testing; hold a NVQ B-Tech qualification in taxi driving; and to understand the requirements relating to assisting wheelchair bound passengers.

45. A presentation has been arranged for members of a computerised system designed to test the knowledge of prospective taxi drivers, giving them a test with random questions, automatically marking the test, and then

optionally informing the candidate of their result. Further information on this product is attached at Appendix C.

46. Members will note from Appendix C that in addition to route knowledge the system can also test the applicant's language and numeracy skills. Questions on the council's licence conditions, regulations and byelaws ('the Green Book') could also be incorporated within a test.
47. Due to the concerns expressed about the suitability of the current method of testing applicant's knowledge, reverting to a computerised system would seem to address the issues raised. Additionally, this system could be used to test other areas of an applicant's competence which have been raised in the consultation.

Clarifying the hackney carriage vehicle mechanical fitness test.

48. Question 11 of the public consultation relating to other matters that could be "added to the black cab MOT" contained a link to the current hackney carriage vehicle compliance testing manual. 84% of respondents did not think anything else should be added to the compliance test. However, the issue of 'exceptionally good condition' addressed earlier in this report was raised. Other matters commented upon already form part of the compliance test.
49. The frequency of testing was commented upon in question 6 of the consultation and it was suggested that hackney carriages be subjected to 6 monthly testing, regardless of age. Currently, licensed hackney carriages are tested annually until they reach 10 years of age, when they are then required to be tested every 6 months.
50. In paragraph 20 of this report it is suggested that refusing to issue a licence based purely on the age of a vehicle may be arbitrary as an older vehicle may be in better condition than a later registered vehicle. However, it would be reasonable to assume that older vehicles require more regular maintenance to ensure that the fitness of the vehicle is preserved. On that basis it is suggested that the current frequency of testing based on vehicle age is retained.

Additional consultation information

51. A summary of the additional comments made in respect of question 12 of the consultation is contained in the table at paragraph 5 of the report. Where possible these have been addressed in this report. However, some of the issues raised, for example placing a limit on the hours drivers can work, are outside the control of the council as a licensing authority. Others, such as a driver dress code, would require further investigation and possible consultation with the hackney carriage and private hire trades. It is proposed that a review of the byelaws, regulations and conditions applicable to hackney carriage and private hire vehicle proprietors, drivers and operators ('The Green Book') be carried out later this year. A further report on this matter will be brought to a future meeting of the committee.

52. Another issue raised in the consultation, and by the Norwich Hackney Trade Association, is the number of hackney carriage rank spaces that are available in the city. This matter does not fall within the remit of the licensing committee, but members could request that the provision of additional rank space be considered by the Head of city development services.



LICENSING COMMITTEE

4.30pm – 5.35pm

14 June 2012

Present: Councillors Kendrick (chair), Haynes (vice chair), Barker, Button, Henderson, Lay, Manning, Price, Neale, Sands (M), Stammers and Wright

Apologies: Councillor Thomas

1. APPOINTMENT OF VICE CHAIR

RESOLVED to appoint Councillor Haynes as vice chair for the ensuing civic year 2012-13.

2. MINUTES

RESOLVED to agree the accuracy of the minutes of the meeting held on 8 March 2012.

3. HACKNEY CARRIAGE VEHICLE AND DRIVER LICENSING

(Mick Warren of Diamond Licensing and Mr T Williment, David Scott and James Marriot of the Norwich Hackney Trade Association attended the meeting for this item)

The solicitor presented the report. Tony Williment, secretary of the Norwich Hackney Trade Association introduced the representation submitted on behalf of the association and said that he was concerned that demand was on the decrease whilst supply continued to increase and that the association wanted some protection in the current economic climate. He asked members to consider a temporary restriction on the issuing of new hackney carriage vehicle licences; to delay the adoption of the proposed hackney carriage vehicle licence conditions for six months to provide adequate time for existing members of the trade to implement the changes; and to ask officers to consider the impact of Euro V on insurance payouts. He said that the association were in support of an increased number of taxi rank spaces and that they would be keen to work with officers to develop the route knowledge test and review the byelaws. In response to members' questions he said that proposed charges relating to vehicle age and emissions would likely discourage new entrants to the trade; and that it was not possible to compare the current number of hackney carriage vehicle licences with three years ago due to discrepancies in available data.

In response to members' discussion and suggestion of a survey to assess demand, the solicitor explained that the council **did not need to justify its current stance of no limitation of numbers but** would need to be able to justify the reasons for any restriction placed on the number of hackney carriage vehicle licenses should it consider it appropriate to resolve upon any such limitation. He also advised that adoption of the proposed hackney carriage vehicle licence conditions was a policy issue and that the decision could be deferred to the following meeting if members required further information.

Mick Warren, Diamond Licensing, provided a brief presentation of a multi-choice knowledge test for drivers. In response to questions he explained that implementation of the software would cost an initial £2,000 and then £300 per year thereafter for maintenance. He also confirmed that council's usually used an invigilator during the test. James Marriet of the Hackney Carriage Association said that the association would be keen to work with officers to develop the test.

RESOLVED:

- (1) with seven members voting in favour (Councillors Barker, Button, Kendrick, Lay, Manning, Price and Wright) and two members against (Councillors Neale and Stammers), not to place a numerical limit on the number of hackney carriage vehicle licences issued by the authority;
- (2) to defer consideration of the adoption of the proposed hackney carriage vehicle licence conditions detailed in paragraph 32 of the report and the potential impact on accident insurance to the next licensing committee;
- (3) to implement a computerised system to test the route knowledge, language, numeracy skills and 'Green Book' knowledge of applicants for hackney carriage drivers licences;
- (4) to agree a review of the byelaws, regulations and conditions applicable to hackney carriage and private hire vehicle proprietors, drivers and operators ('The Green Book'); and
- (5) to ask the head of city development services to consider the feasibility of providing additional taxi rank spaces.

4. SEXUAL ENTERTAINMENT VENUES

The solicitor presented the report and explained that the provisions of section 27 of the Policing and Crime Act 2009 would enable members to regulate sexual entertainment venues within the city. If members were minded to adopt the provisions, those premises already offering lap dancing etc would be provided a transition period in which to comply. In response to members' questions he explained that the committee would need to consider development of a relevant policy which could include the location and number of venues, and the criteria against which applications from premises would be assessed. The policy would probably be developed in consultation with the public and undergo an equality impact assessment.

RESOLVED to adopt with effect from 27 July 2012 the amendments made to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 by section 27 of the Policing and Crime Act 2009 and to delegate to the head of law and governance the power to take any such further or additional steps and decisions as may be necessary to implement the committee's decision.

5. STANDING ITEM - REGULATORY SUB-COMMITTEE MINUTES

RESOLVED to note the minutes of the regulatory sub-committee meetings held on 20 February 2012, 19 March 2012, 16 April 2012 and 21 May 2012.

CHAIR



LICENSING COMMITTEE

4.30pm to 5.40pm

20 December 2012

Present: Councillors Kendrick (chair), Haynes (vice chair), Barker, Button, Henderson, Neale, Price, Sands (M), Sands (S) (substitute for vacancy), Thomas and Wright

Apologies: Councillors Manning and Stammers

1. PUBLIC QUESTIONS

The chairman of the Norwich Hackney Trade Association asked the following question:

“At the licensing committee meeting of 14 June 2012, you received officers’ reports on “Hackney carriage vehicle and driver licensing (report of head of citywide services)”. The committee resolved “to implement a computerised system to test the route knowledge, language, numeracy skills and ‘Green Book’ knowledge of applicants for hackney carriage drivers licences...”.

The number of applicants successfully passing the existing, very unsatisfactory tests of these skills appears to be escalating alarmingly. My Association has the following questions:

- (a) What actions have been taken, and when, to implement your committee’s decisions?
- (b) Why has my Association’s offer, made in front of the committee, to assist in designing and developing the new system not been taken up?
- (c) When is the new system planned to be in place and working?
- (d) How many new applicants were granted hackney carriage driver licences in 2010?
- (e) How many new applicants were granted hackney carriage driver licences in 2011?
- (f) How many new applicants were granted hackney carriage driver licences in 2012, from 1 January to 14 June?
- (g) How many new applicants were granted hackney carriage driver licences in 2012, from 15 June to date?

- (h) With regard to the new drivers for 1 January 2012 to 14 June 2012, for how many was it not possible to obtain a full criminal records bureaux check?
- (i) With regard to the new drivers for 15 June 2012 to date, for how many was it not possible to obtain a full criminal records bureaux check?

The chair provided the following response on behalf of the committee:

"The council's licensing manager compiled the report and is responsible for implementing the agreed resolution has unfortunately had a prolonged period of absence from work due to ill health. Since his return he has had to ensure that the council's statutory obligations in respect of licensing applications and committee hearings are complied with and the number of applications to be processed has been extraordinarily high. However, he has had initial discussions regarding the practical implementation of the resolution with the council's systems support team. As the proposed test will have to be carried out via a computer terminal, issues regarding location and where the relevant software will be stored on the council's network still need to be resolved.

It was felt that the first issue to be resolved in implementing the new system would be on a practical level, as outlined in the answer to the preceding question. The Association's offer has not been forgotten and it will be invited to a joint meeting with officers and the system supplier to discuss developing a test which will test applicants' route knowledge, language, numeracy skills and hackney carriage legislation.

It is envisaged that the test could be developed within the first quarter of next year and, dependant on the issues that may arise from the practical implementation of the system, could be in place and working by the first half of 2013. The system supplier has been contacted with a view to their availability for a meeting to discuss the functionality and contents of the proposed test and when dates have been received the Association will be contacted with a view setting up a meeting.

In 2010, 5 new hackney carriage driver applications were received and 8 existing private hire drivers applied to 'upgrade' to a hackney carriage drivers licence. In 2011 there were 3 new applicants for hackney carriage driver licences and 10 existing private hire drivers applied to 'upgrade' to a hackney carriage driver licence. Between 1 January and 14 June 2012, there were 2 applications for new hackney carriage driver licences and 7 private hire drivers applied to upgrade to a hackney carriage driver licence. In the period 15 June to the present date, the council has granted 3 new hackney carriage driver licences to applicants and 9 hackney carriage driver licences to existing private hire drivers 'upgrading' to a hackney carriage driver licence.

All the new drivers had an enhanced criminal record bureau check, with one driver requiring a certificate of good conduct which was obtained from his country of birth. All the new drivers had an enhanced criminal record bureau check; none of these drivers required a certificate of good conduct."

2. MINUTES

RESOLVED to agree the accuracy of the minutes of the meetings held on 13 September 2012 and 25 October 2013.

3. HACKNEY CARRIAGE VEHICLE AND DRIVER LICENSING

The licensing manager presented the report and pointed out that the legal advisor to the committee had suggested that in relation to condition 3(ii), as set out in paragraph 5, should be amended by the insertion of “all” before “the criteria”.

The chairman of the Hackney Carriage Association confirmed that its committee had been consulted and supported the proposed conditions.

In response to a member’s question, the licensing manager referred to the table at paragraph 32 of the appended report (licensing committee, 14 June 2012) and explained the strategy to address the conditions concerning the age and condition of hackney carriage vehicles by requiring that all newly licensed vehicles meet the Euro V standard and existing licensed vehicles to work towards a higher standard. The timetable for the implementation of the revised conditions to ensure vehicle compliance was dependent on vehicle manufacture date or approved conversion.

During discussion a member said that he agreed to the phased approach to ensure vehicle compliance with exhaust emission standards given the current economic circumstances but suggested that if the economy changed the council reviewed the conditions to achieve a higher standard by an earlier date.

RESOLVED, unanimously, that members adopt with effect from 1 April 2013 the following hackney carriage vehicle licence conditions:

- (2)
 - (i) Licensed hackney carriage vehicles compliance tested after 1 April 2015 must meet Euro III exhaust emission standards either by virtue of the vehicle’s date of manufacture, or by way of an approved conversion.
 - (ii) Licensed hackney carriage vehicles compliance tested after 1 April 2017 must meet Euro IV exhaust emission standards either by virtue of the vehicle’s date of manufacture, or by way of an approved conversion.
 - (iii) Licensed hackney carriage vehicles compliance tested after 1 April 2019 must meet Euro V exhaust emission standards either by virtue of the vehicle’s date of manufacture, or by way of an approved conversion.

(3)

- (i) On initial licensing the vehicle must meet the Euro V exhaust emission standards by virtue of the vehicle's date of manufacture.
- (ii) A vehicle is exempted from the requirements of condition (3)(i) above providing all the following criteria are met:
 - (a) The licence applied for is to replace a current hackney carriage vehicle licence issued by Norwich city council where the vehicle which is the subject of the current licence has been declared a 'total loss' by the motor insurance provider in respect of that vehicle.
 - (b) Suitable documentary evidence shall be provided from the motor insurance provider to confirm that the vehicle to which the current hackney carriage vehicle licence relates has been declared a 'total loss'.
 - (c) The hackney carriage vehicle licence and licence plate in respect of the currently licensed vehicle which has been declared a 'total loss' should, where reasonably practicable, be returned to the licensing authority.
 - (d) The vehicle for which the licence is applied for shall meet, as a minimum, the relevant Euro exhaust emission standard of the vehicle which is the subject of the current hackney carriage vehicle licence which it seeks to replace, subject to compliance with condition (2) above.
- (4) Vehicles aged 10 years or older will be subject to six monthly compliance testing.

4. HOME OFFICE CONSULTATION ON THE GOVERNMENT'S ALCOHOL STRATEGY

The chair introduced the report and explained that he and the vice chair had requested that members commented on the issues raised in the Home Office's consultation document to give a steer for the officers to respond on the council's behalf.

During discussion the committee considered the five key issues as set out in the government's alcohol strategy (published March 2012).

RESOLVED to ask the licensing manager to respond to the Home Office consultation on the government's alcohol strategy by 6 February 2013 subject to the following:

- (1) With 8 members voting in favour (Councillors Kendrick, Barker, Button, Sands (M), Sands (S), Haynes, Price and Henderson), 2 members voting against (Councillors Wright and Thomas) and 1 member

abstaining (Councillor Neale) the committee resolved to oppose the government's proposal for a minimum unit price for alcohol. The majority of the committee considered that setting a minimum unit price for alcohol would hit the poorest in the community and put a further constraint on household budgets, meaning that there was less money available for food and other essentials; did not address excessive drinking as there were people who were alcohol dependent across all income groups in society; and there were other interventions available to prevent alcohol abuse and address health issues.

- (2) With 8 members voting in favour (Councillors Kendrick, Barker, Button, Sands (M), Sands (S), Haynes, Wright and Henderson), 2 members voting against (Councillors Price and Thomas) and 1 member abstaining (Councillor Neale), the committee resolved to oppose the principle of banning multi-buy promotions in the off-trade. Members considered that bulk-buying of discounted alcohol did not mean that the alcohol was consumed in one sitting and that it could be put aside for later consumption.
- (3) In relation to freeing up responsible businesses, with the majority of members voting in favour and with Councillor Wright voting against, the committee resolved to oppose the government proposal in relation to ancillary sales of alcohol and support the maintenance of the status quo.
- (4) The committee is opposed to the government's proposal to remove the need for a personal licence holder.
- (5) The committee resolved to ask the licensing officer to complete the sections of the consultation in relation to reviewing the mandatory licensing conditions; health as a licensing objective for cumulative impact policies; the occasional provision of licensable activities at community events; extension of the TEN limit at individual premises and late night refreshment and further proposals to reduce burdens on businesses.

5. STANDING ITEM – REGULATORY SUBCOMMITTEE MINUTES

RESOLVED to receive the minutes of the regulatory subcommittee meetings held on 17 September 2012 and 22 October 2012.

CHAIR



REGULATORY SUB COMMITTEE

14:30 to 15:20

14 March 2016

Present: Councillors Button (chair), Bradford, Henderson (substitute for Boswell), Jones and Peek

Apologies: Councillor Boswell

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 renewal of a private hire drivers licence reference 15/00688/PHDRV and 16/00407/PHDRIV (paragraphs 1 & 3)**

(The applicant attended the meeting for this item. The applicant could not produce his DVLA licence for inspection by the committee as it had been lost.)

The licensing manager presented the report.

The applicant explained why he had yet to provide a Disclosure and Barring Service Application.

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

RESOLVED:-

- 1) To defer the hearing until the next meeting of the regulatory subcommittee on 9 May 2016 to allow the committee to have all information on the applicants Disclosure and Barring Service application,

- 2) To ask the applicant to immediately submit his Disclosure and Barring Service application form, ensuring it is with the licensing manager by the end of the day on 14 March 2016; and
- 3) To ask the applicant to ensure that his DVLA licence is available for inspection at the meeting on 9 May 2016.

(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 applicant attended the meeting for this item along with Ivan Fisher, his legal representative. The applicant did not bring his DVLA licence but it was noted that he had provided it for inspection at his previous hearing.)

The applicant's legal representative explained the circumstances surrounding his convictions on 12 November 2015 for possession of a prohibited weapon (firearm) and possession of a prohibited weapon in public. The applicant answered member's questions.

RESOLVED, unanimously, to renew licence number 15/01984/HACKD.

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

CHAIR



REGULATORY SUB COMMITTEE

15:00 – 15:20

9 May 2016

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

1. Declarations of interest

There were no declarations of interest.

2. Exclusion of public

RESOLVED to exclude the public from the meeting during consideration of items *3 to *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 renewal of a private hire drivers licence reference 15/01916/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 was aware that he could have been legally represented but had chosen not to be. He confirmed that he had no pending cautions or convictions.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his conviction on 11 January 2016 for speeding – exceeding 30mph on restricted road – manned equipment.

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

RESOLVED, unanimously, to renew the private hire driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair asked the applicant to take greater care when driving and to be aware of his speed at all times. The applicant then left the meeting.)

***4. Revocation of a private hire drivers licence: case number
16/00454/PHDRIV (paragraphs 1 & 3)**

RESOLVED to note the report on the revocation of a private hire driver's licence.

CHAIR