



### 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