



REGULATORY COMMITTEE

2.00 p.m. - 4.15 p.m.

16 June 2009

Present: Councillors Blower (Chair), Dylan (Vice-Chair), Banham, Jago and Ramsay

Apologies: Councillors Hooke and Lay

1. APPOINTMENT OF VICE CHAIR

RESOLVED to appoint Councillor Dylan as Vice-Chair for the ensuing civic year.

2. PUBLIC QUESTIONS

Meeting Start Times

Councillor Dylan asked how many times the Regulatory Committee had started earlier than planned in the last two full civic years due to the volume of business to be dealt with. He also asked what this was expressed as a percentage of the total number of meetings during the same period.

The Chair replied that seven of the twelve meetings held in the 2007/08 civic year had started before 2.00 pm representing 58% of the meetings. Five of the ten meetings held in the 2008/09 civic year had started before 2.00 pm representing 50% of those meetings.

3. MINUTES

RESOLVED to agree the accuracy of the minutes of the Regulatory Committee held on 12 May 2009.

4. MEDICAL REQUIREMENTS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

The Senior Licensing Officer presented the report and explained the background to the proposal for amending the existing requirement for medicals for hackney and private hire drivers. He referred to the possibility of undertaking a wider review of the current licence period at a later date. The letter tabled at the meeting from Mr Williment of the Norwich Hackney Trade Association supported a move to three yearly renewals which could then tie in with three year medicals and criminal record checks.

The Senior Licensing Officer answered a number of questions about the extent of the current medical tests required by the Council. He circulated a copy of the certificate completed by the medical practitioner. A member said that it might be appropriate to include a further section for the medical practitioner to complete indicating whether he or she was satisfied that a three yearly check was adequate for any particular applicant or whether an earlier review was required.

RESOLVED to -

- (1) approve an amendment to the existing qualification for applications for hackney carriage and private hire vehicle drivers' licences from

"Applications from licensed drivers for the renewal of their licence in the year in which they reach the age of 55 shall be subject to a satisfactory medical examination and to a further examination each year"

to

"Applications from licensed drivers for the renewal of their licence shall be subject to a satisfactory medical examination on the third anniversary of the date from when the licence was first granted and then every three years thereafter"

subject to the medical certificate being amended to make provision for the medical practitioner to indicate where they consider the next renewal should be undertaken sooner on the basis discussed above;

- (2) ask the Senior Licensing Officer to report further to a future meeting on the possibility of moving to three yearly licence renewals.

5. APPLICATION FOR LICENCE TO PLACE TABLES AND CHAIRS ON THE HIGHWAY - ORGASMIC CAFÉ, 6 QUEEN STREET, NORWICH

(The applicant attended the meeting for this item).

The Senior Licensing Officer presented the report and the applicant commented on the background to the application. She said that the main problem caused under their current licence was the need to remove the seats between 4.00 pm and 7.00 pm. She would also like to increase the numbers of tables and chairs on the highway using the space up to the gully which would still leave an adequate width for vehicles. She also explained why she was seeking an extension of the licence period from 2300hrs to 2400hrs.

The Food Safety Officer explained the reasons for his representations on the application and circulated photographs of the area taken the previous week. He was however satisfied that his concerns would be addressed if the area allowed for tables and chairs did not extend into the gully.

(The applicant and the Senior Licensing Officer left the meeting at this point).

Following discussion it was:-

RESOLVED to approve the application to place tables and chairs on the highway submitted in respect of Orgasmic Café, 6 Queen Street subject to:-

- (1) the licence area being contained by barriers with the base of any upright stands extending up to but not encroaching onto the gully;
- (2) no more than 11 tables and 44 chairs being permitted within the licensed area.

(The applicant and the Senior Licensing Officer were re-admitted to the meeting and informed of the decision minuted above).

6. EXCLUSION OF PUBLIC

RESOLVED to exclude the public from the meeting during consideration of Items 7 and 8 below on the grounds contained in paragraphs 1 and 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972.

***7. APPLICATION FOR THE GRANT OF A THREE MONTH PRIVATE HIRE DRIVERS LICENCE - CASE NO. 16/31/3/701 (PARAGRAPHS 1 AND 3)**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the Committee).

The Senior Licensing Officer presented the report. In reply to a question the applicant said that he had not received any further convictions or formal cautions and was not aware of any pending prosecutions since his application. The Committee decided to ask questions about the applicants spent convictions. The applicant stated that he had no objection to answering questions about his spent as well as his unspent convictions. He then answered detailed questions about the circumstances of his five spent convictions together with two unspent convictions for use of disorderly behaviour or threatening/abusive/insulting words likely to cause harassment, alarm or distress on 6 July 2005 and 9 July 2008 respectively. He said that he had been involved in only one minor incident in the last five years and had received counselling.

(The applicant and the Senior Licensing Officer left the meeting at this point).

Following a discussion it was -

RESOLVED, two members voting in favour (Councillors Banham and Ramsay) and one against (Councillor Jago) with one abstention (Councillor Dylan) to approve the grant of a three month private hire driver's licence.

(The applicant and the Senior Licensing Officer were re-admitted to the meeting and informed of the decision minuted above. The Chair advised the applicant to familiarise himself with the "green book" issued to all licence holders. He also reminded the applicant that the Committee had the power to revoke, suspend or refuse to renew the licence in the future if his conduct was not up to the standard expected of a licence holder).

***8. APPLICATION FOR THE GRANT OF A THREE MONTH PRIVATE HIRE
DRIVER'S LICENCE - CASE NO. 16/31/3/702**

RESOLVED to defer consideration of this item to the next meeting in the absence of the applicant.

CHAIR