



NORWICH
City Council

Minutes

REGULATORY SUB COMMITTEE

2pm – 7.10pm

21 November 2011

Present: Councillors Sands (S) (Chair), Kendrick (sub for Councillor Driver),
Stammers, Stephenson, Thomas

Apologies: N/a

1. APPOINTMENT OF CHAIR

RESOLVED to appoint Councillor Sands (S) as chair for the meeting.

2. APPLICATION FOR THE GRANT OF A LICENCE TO PLACE TABLES AND CHAIRS ON THE HIGHWAY – THE GARDENERS ARMS PH, 2-4 TIMBERHILL, NORWICH

(The applicant, the co-owner and their solicitor and members of the public attended the meeting for this item).

The senior licensing officer presented the report and the applicant's solicitor commented on the background to the application.

The committee also heard from an objector as well as his barrister, drawing their attention to breaches of the current tables and chairs licence as well as the noise nuisance and disturbance caused. Other members of the public disputed the level of noise nuisance and disturbance caused and spoke in support of the application which they considered would continue to encourage an increased footfall in the area.

(The applicant, the co-owner, their solicitor, the senior licensing officer and members of the public left the meeting at this point).

Following discussion it was:-

RESOLVED unanimously:

- 1) that the main issue of noise of persons outside the pub drinking was not felt to be a nuisance;

- 2) the committee noted the breaches of the licensing conditions but that these were not serious enough to justify refusal of the application;
- 3) to therefore approve the application for the grant of a licence to place tables and chairs on the highway submitted in respect of The Gardeners Arms PH, 2-4 Timberhill, Norwich and that:
 - a. the entrances to the application premises shall not be included within the area licensed for tables and chairs;
 - b. the licence be subject to the adopted standard conditions and the following additional conditions:
 - i. if the premises are open and the premises licence holder wishes to make use of the licence then the maximum number of tables and chairs noted on the licence shall be placed in the licensed area during the hours of operation of the licence;
 - ii. barriers will not be required to be provided around the entrances of the premises.

(The applicant, the co-owner, their solicitor, the senior licensing officer and members of the public were readmitted to the meeting and informed of the decision minuted above).

3. EXCLUSION OF PUBLIC

RESOLVED to exclude the public from the meeting during consideration of Item *4 below on the grounds contained in paragraphs 1 and 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972.

***4. APPLICATION FOR THE GRANT OF A 3 MONTH PRIVATE HIRE DRIVER'S LICENCE - CASE NO 16/31/3/753 (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 licensing manager 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 he had completed his application form.

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

Following a discussion it was -

RESOLVED with four members in favour (Councillors Sands (S), Stammers, Stephenson and Thomas) and one member against (Councillor Kendrick) to consider the 'older convictions'.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above).

The applicant answered detailed questions about the circumstances of his older convictions on 3 March 1997 and 11 April 1997. He then answered detailed

questions about the circumstances of his convictions on 18 October 2006 for two offences of threats to kill and 6 October 2008 for pursuing a course of conduct which amounted to harassment.

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

Following a discussion it was -

RESOLVED with three members voting in favour (Councillors Sands (S), Stammers and Stephenson) and two members voting against (Councillors Kendrick and Thomas) to grant the private hire driver's licence 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 advised 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).

CHAIR



REGULATORY SUB COMMITTEE

2pm – 3.30pm

19 December 2011

Present: Councillors Driver (Chair), Banham, Kendrick and Jeraj

Apologies: N/a

1. EXCLUSION OF PUBLIC

RESOLVED to exclude the public from the meeting during consideration of Items *2 to *5 below on the grounds contained in paragraphs 1 and 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972.

***2. APPLICATION FOR THE GRANT OF A 3 MONTH PRIVATE HIRE DRIVER'S LICENCE - CASE NO 16/31/3/754 (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 licensing manager presented the report and referred to paragraph 3 relating to the applicant's relevant 'spent' convictions. The applicant answered members' questions relating to the admission of the 'spent' convictions. 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 he had completed his application form.

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

Following a discussion it was -

RESOLVED unanimously to consider the 'older convictions.'

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above).

The applicant answered detailed questions about the circumstances of his older convictions. He then answered detailed questions about the circumstances of his conviction on 25 May 2007 for driving a motor vehicle with excess alcohol.

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

Following a discussion it was -

RESOLVED unanimously to grant the private hire driver's licence 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 advised 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. The chair emphasised to the applicant of the need to read the green book).

***3. SUSPENSION / REVOCATION OF NORWICH CITY COUNCIL DRIVERS LICENCE - NO 11/01733/PHDRIV (PARAGRAPHS 1 AND 3)**

(The licence holder 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 licensing manager presented the report. In reply to a question the licence holder said that he had not received any further convictions or formal cautions and was not aware of any pending prosecutions.

The licence holder answered detailed questions about the circumstances of his convictions on 27 September 2011 for criminal damage, common assault and two counts of battery. He also explained why he had not notified the council within 7 days of the conviction.

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

Following a discussion it was proposed that the licence be suspended for a period of six months but on a vote this was not carried and therefore -

RESOLVED, with two members voting in favour (Councillors Banham and Driver), two members voting against (Councillors Jeraj and Kendrick) and the chair's casting vote in favour, to suspend the licence for a period of two months.

(The licence holder and the licensing manager were re-admitted to the meeting and informed of the decision minuted above. The Solicitor informed the licence holder that he would receive written notification of the committee's decision and that he had the right to appeal against the decision at the Magistrates' Court within twenty-one days of the date of this meeting).

***4. SUSPENSION / REVOCATION OF NORWICH CITY COUNCIL PRIVATE HIRE DRIVER'S LICENCE - CASE NO 11/00205/PHDRIV (PARAGRAPHS 1 AND 3)**

(The licence holder 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 licensing manager 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.

The licence holder answered detailed questions about the circumstances of his convictions on 27 February 2010 for failing to comply with a traffic light signal; and on 21 April 2011 and 1 October 2011 for breach of requirements as to control of the vehicle, mobile phones etc.

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

Following a discussion it was -

RESOLVED unanimously to take no further action to suspend or revoke the licence.

(The licence holder and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair advised 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).

***5. SUSPENSION / REVOCATION OF NORWICH CITY COUNCIL PRIVATE HIRE DRIVERS LICENCE NO 10/02370/PHDRIV (PARAGRAPHS 1 AND 3)**

(Councillor Banham declared a prejudicial interest in this item and left the meeting)

(The licence holder 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 licensing manager 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.

The licence holder answered detailed questions about the circumstances of his convictions on 19 September 2011 for two offences of making false representation to make gain for self or another or cause loss to other/expose other to risk.

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

Following a discussion it was -

RESOLVED with two members voting in favour (Councillors Jeraj and Kendrick) and one member voting against (Councillor Driver) to suspend the licence for a period of three months.

(The licence holder and the licensing manager were re-admitted to the meeting and informed of the decision minuted above. The Solicitor informed the licence holder that he would receive written notification of the committee's decision and that he had the right to appeal against the decision at the Magistrates' Court within twenty-one days of the date of this meeting).

CHAIR



REGULATORY SUB COMMITTEE

2pm – 2.40pm

16 January 2012

Present: Councillors Driver (chair), Henderson, Thomas and Wright

Apologies: N/a

1. APPLICATION FOR THE GRANT OF A LICENCE TO PLACE TABLES AND CHAIRS ON THE HIGHWAY – CAFFE NERO, 20 GENTLEMANS WALK, NORWICH, NR2 1NA

(The applicant attended the meeting for this item).

The licensing manager presented the report. The applicant commented on the background to the application and responded to members' questions

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

Following discussion it was:-

RESOLVED unanimously to approve the application for the grant of a licence to place tables and chairs on the highway submitted in respect of Caffe Nero, 20 Gentlemans Walk, Norwich, NR2 1NA, subject to increasing the proposed 0.8m area between the building and barrier to 1.2m wide.

(The applicant and licensing manager were readmitted to the meeting and informed of the decision minuted above).

2. EXCLUSION OF PUBLIC

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

***3. APPLICATION FOR THE RENEWAL OF HACKNEY CARRIAGE DRIVERS LICENCE NO. 10/02043/HACKD (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 licensing manager 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 he had completed his application form. He then answered detailed questions about the circumstances of his convictions on 28 June 2008, 7 February 2008 and 12 November 2010 for exceeding the statutory speed limit on a public road. He also explained the reasons why he had failed to notify the council of his conviction on 12 November 2010.

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

Following a discussion it was -

RESOLVED unanimously to renew the Hackney Carriage driver's licence 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 advised 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).

CHAIR