

Licensing Appeals and Complaints Committee

Members of the Licensing, Appeals and Complaints Committee:

Mrs V Bell

Mrs M Dewsbury

Mr C Gould

Agenda

Date

Thursday 17 January 2019

Time

9.30 am

Place

Colman Room

South Norfolk House
Cygnet Court
Long Stratton Norwich
NR15 2XE

Contact

Democratic Services Officer:
Sue Elliott (01508) 533869

Licensing and Enforcement Officer:
Rosemary Setford (01508) 533602

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Long Stratton Norwich
NR15 2XE

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**If you have any special requirements in order to attend this meeting,
please let us know in advance**

Large print version can be made available

AGENDA

1. **Appointment of Chairman of the Licensing Appeals and Complaints Sub Committee, for the duration of the meeting;**
2. **To report apologies for absence and identify substitute voting members (if any);**
3. **To deal with any items of business the Chairman decides should be considered as matters of urgency pursuant to Section 100B (4) (b) of the Local Government Act, 1972.** [Urgent business may only be taken if, “by reason of special circumstances” (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency.];
4. **To receive Declarations of Interest from Members;**
(Please see guidance form and flow chart attached page 4)
5. **To confirm the minutes of the meeting of the Licensing Appeals and Complaints Committee, held on 11 April 2018;** (attached – page 6)
6. **Exclusion of Public and Press;**

To exclude the public from the meeting under Section 100A of the Local Government Act 1972 for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act (as amended).
7. **To consider the combined hackney carriage/private hire driver’s licence;**

[NOT FOR PUBLICATION by virtue of paragraph 1 of part 1 of Schedule 12A of the Local Government Act 1972 (as amended)]

MEMBERSHIP OF THE LICENSING APPEALS AND COMPLAINTS COMMITTEE AND THE LICENSING AND GAMBLING ACTS COMMITTEE

The following members make up the Licensing Appeals and Complaints Committee and the
Licensing and Gambling Acts Committee.

Sub Committees will be established to hear applications:

(Updated: 07/06/2018)

| Members of Licensing, Appeals & Standards Committee | Expiry of training accreditation- Taxi | Expiry of training accreditation- Licensing Act 2003 | Expiry of training accreditation - Homelessness | Expiry of training accreditation- Scrap Metal Act 2013 |
|--|---|---|--|---|
| Bell Cllr V | 22/05/19 | 22/05/19 | 05/06/19 | 22/05/19 |
| Dewsbury Cllr M | 22/05/19 | 22/05/19 | 05/06/19 | 22/05/19 |
| D Fulcher | Not trained | Not trained | Not trained | Not trained |
| Goldson Cllr D | 22/05/19 | 22/05/19 | 05/06/19 | 22/05/19 |
| Gould Cllr C | 22/05/19 | 22/05/19 | 05/06/19 | 22/05/19 |
| Kemp Cllr C | Expired | Expired | Expired | Expired |
| Kemp Cllr W | Expired | Expired | Expired | Expired |
| Hardy Cllr P | 12/07/19 | 12/07/19 | 05/06/19 | Expired |
| Hornby Cllr J | Expired | Expired | Not trained | Not trained |
| Mason Billig Cllr K | Expired | Not trained | Not trained | Not trained |
| Palmer Cllr T | 12/07/19 | 12/07/19 | Expired | Expired |
| Pond Cllr A | 22/05/19 | 22/05/19 | 05/06/19 | 22/05/19 |
| Savage Cllr J | 12/07/19 | 12/07/19 | 05/06/19 | Expired |
| Wilby Cllr J | 12/07/19 | 12/07/19 | 05/06/19 | Expired |
| Worsley Cllr K | 22/05/19 | 22/05/19 | 05/06/19 | 22/05/19 |

DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.

Does the interest directly:

1. affect yours, or your spouse / partner's financial position?
2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?
3. Relate to a contract you, or your spouse / partner have with the Council
4. Affect land you or your spouse / partner own
5. Affect a company that you or your partner own, or have a shareholding in

If the answer is "yes" to any of the above, it is likely to be pecuniary.

Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.

Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?

If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

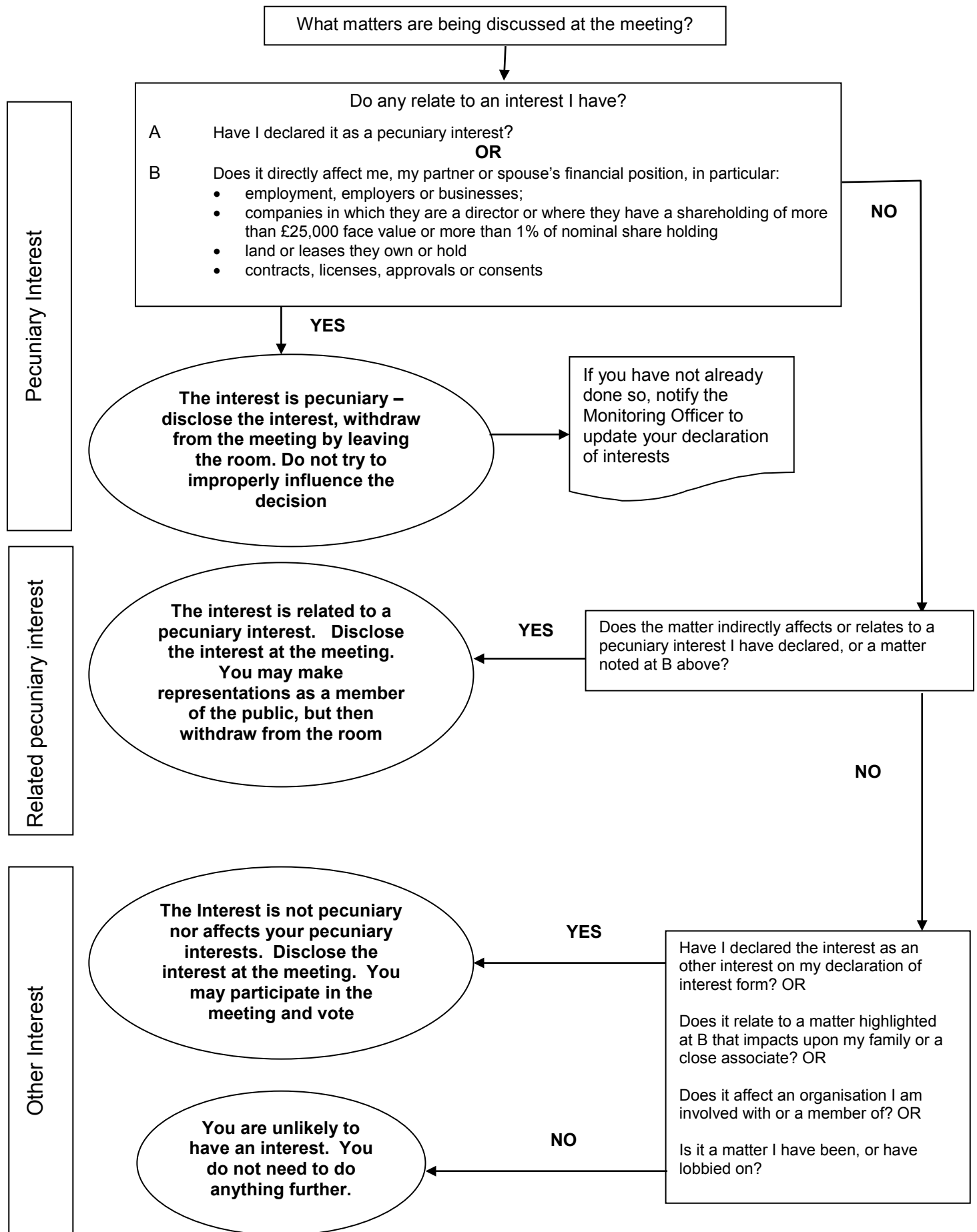
Is the interest not related to any of the above? If so, it is likely to be another interest. You will need to declare the interest, but may participate in discussion and voting on the item.

Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.

PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST INSTANCE

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF





LICENSING APPEALS AND COMPLAINTS COMMITTEE

Minutes of a meeting of the Licensing Appeals and Complaints Committee of South Norfolk Council held at South Norfolk House, Long Stratton on Wednesday 11 April 2018 at 11:00am

Committee Members Present: Councillors: D Goldson (Chairman), C Gould and V Bell

Officers in Attendance: The Legal Advisor to the Sub Committee (R Essex), the Operational Economic Development Manager (D Disney) and the Licensing and Enforcement Officer (R Setford)

644 MINUTES

The minutes of the meeting held on 1 November 2017 were confirmed as a correct record and signed by the Chairman.

645 EXCLUSION OF THE PUBLIC AND PRESS

It was

RESOLVED: that under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 Schedule 12A of the Act (as amended).

646 BREACH OF CONDITIONS FOR A COMBINED HACKNEY CARRIAGE / PRIVATE HIRE DRIVER

(The driver, his wife and his employer were in attendance for this item)

The Chairman welcomed everyone to the meeting and explained the procedure for determining the application.

The Licensing and Enforcement Officer outlined the salient points of her report, explaining the circumstances which had led to the requirement for the Committee to determine whether the driver was considered a fit and proper person to retain his Hackney Carriage and Private Hire Licence.

The driver addressed the panel and outlined the circumstances leading to the breach of his licence conditions. His employer then provided members with a character reference, advising that whilst not 'an angel', the driver was one of his most qualified and trustworthy employees and that he deserved another chance. He further added that, although the driver had failed to report, in writing, the details which had resulted in a breach of the conditions, he felt that he himself should share the blame for this oversight.

The driver, his employer and the Licensing and Enforcement Officer responded to a number of questions from members, after which the officers and the driver and his representatives left the meeting whilst members determined the application. They were then re-admitted to the meeting, and the Chairman announced the decision.

RESOLVED:

1. that the driver should retain his Hackney Carriage and Private Hire Licence, subject to evidence being submitted to officers, within six months, of his successful completion of a relevant Wellbeing course; and
2. that a final written warning as to future conduct (as detailed in the report) be issued to the driver, who was further reminded that it was his responsibility to inform the Council, in writing, of any future issues.

The meeting concluded at 12.05pm

Chairman