

# Licensing & Regulatory Committee

## Agenda

The following 3 Members ONLY  
are needed to attend

Mrs S Gurney (Chairman)  
Mr R J Knowles  
Mr V Tapp

### ***Date***

Wednesday 20 March 2019

### ***Time***

9:30 am

### ***Place***

Trafford Room  
Thorpe Lodge  
1 Yarmouth Road  
Thorpe St Andrew  
Norwich

### ***Contact***

Dawn Matthews tel (01603) 430404

Broadland District Council  
Thorpe Lodge  
1 Yarmouth Road  
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If any member wishes to clarify details relating  
to any matter on the agenda they are requested  
to contact the relevant Head of Service.



@BDCDemServices

### **The Openness of Local Government Bodies Regulations 2014**

Under the above Regulations, any person may take photographs, film and audio-record the proceedings and report on all public meetings. If you do not wish to be filmed / recorded, please notify an officer prior to the start of the meeting. The Council has a protocol, a copy of which will be displayed outside of each meeting room and is available on request.

**The Chairman will ask if anyone wishes to  
film / record this meeting**

**A G E N D A**

**Page No**

- |          |  |                |
|----------|--|----------------|
| <b>1</b> | <b>To receive declarations of interest under Procedural Rule no 8</b>  |                |
| <b>2</b> | <b>Apologies for absence</b>   |                |
| <b>3</b> | <b><u><a href="#">Minutes of the meeting held on 26 February 2019</a></u></b>  | <b>3 – 4</b>   |
| <b>4</b> | <b>Matters arising therefrom (if any)</b>  |                |
| <b>5</b> | <b>Exclusion of the Press and public</b>   |                |
|          | <p>The Chairman will move that the Press and public be excluded from the meeting for the remaining business because otherwise, information which is exempt information by virtue of Paragraphs 1, 3 and 7 of Part I of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, would be disclosed to them.</p> |                |
| <b>6</b> | <b><u><a href="#">(9:30am) Local Government (Miscellaneous Provisions) Act 1976 – Private Hire Vehicle Driver Licensing</a></u></b>  | <b>7 – 16</b>  |
|          | <p>To consider an application for a private hire vehicle driver's licence</p>  |                |
|          | <p><u><a href="#">A copy of the procedure to be followed is attached</a></u></p>   | <b>5 – 6</b>   |
| <b>7</b> | <b><u><a href="#">(10:30am) Local Government (Miscellaneous Provisions) Act 1976 – Private Hire Vehicle Driver Licensing</a></u></b>   | <b>17 – 30</b> |
|          | <p>To consider an application for a private hire vehicle driver's licence</p>  |                |
| <b>8</b> | <b><u><a href="#">(10:45am) Local Government (Miscellaneous Provisions) Act 1976 – Private Hire Vehicle Driver Licensing</a></u></b>   | <b>31 – 46</b> |
|          | <p>To consider an application for a private hire vehicle driver's licence</p>  |                |
| <b>9</b> | <b><u><a href="#">Exempt Minutes of meeting held on 26 February 2019</a></u></b>   | <b>47 – 52</b> |

Trevor Holden  
Managing Director

Minutes of a meeting of the **Licensing & Regulatory Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Tuesday 26 February 2019** at **9.30am** when there were present:

Mrs S C Gurney – Chairman

Mr S Dunn

Mr R J Knowles

The applicants (as identified in the exempt appendix to the signed copy of these Minutes) attended the meeting for consideration of their cases.

Also in attendance were Mr D Lowens (the Committee's legal advisor), the Food, Safety and Licensing Team Manager and the Committee Officer (JO).

### **38 MINUTES**

The Minutes of the meeting held on 16 January 2019 were confirmed as a correct record and signed by the Chairman.

### **39 EXCLUSION OF THE PRESS AND PUBLIC**

#### **RESOLVED**

to exclude the Press and public from the meeting for the remaining business because otherwise, information which was exempt information by virtue of Paragraphs 1, 3 and 7 of Part I of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, would be disclosed to them.

### **40 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – PRIVATE HIRE VEHICLE DRIVER LICENSING**

The Committee considered an application for a private hire vehicle driver licence, as detailed in the exempt appendix to the signed copy of these Minutes.

After due consideration, it was:

#### **RESOLVED**

to refuse the application for a Private Hire Vehicle Driver's Licence.

### 41 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – PRIVATE HIRE VEHICLE DRIVER LICENSING

The Committee considered an application for a private hire vehicle driver licence, as detailed in the exempt appendix to the signed copy of these Minutes.

After due consideration, it was:

#### **RESOLVED**

to issue the Private Hire Vehicle Driver's Licence for a restricted period only one year and issue a written warning as to future conduct, with a further warning that should the appellant be subject to any conviction (regardless of what sentence is imposed including a suspended sentence, fine, absolute or conditional discharge, Community Service Order, Probation Order, Restraining Order, disqualification of driving licence or imposition of penalty points), or any Binding Over Order or the acceptance of a Caution, during the restricted period, he will be called before the Committee with a view to reviewing the licence and taking any appropriate legal action.

*The meeting closed at 1.20pm*

### **Quasi-judicial procedure rules - Applications for a Private Hire Vehicle/Operator/Driver's Licence**

The Committee comprises 3 district councillors, at least two of which must be present at each hearing.

When dealing with applications, the rules of natural justice must be seen to be applied, in that the applicant must be afforded an opportunity to present their case. Thus, when determining an application, the Committee will be required to act in a judicial manner and to conduct the proceedings in accordance with the following rules.

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#### **1 Opening remarks by the Chairman of the Committee**

- 1.1 The Chairman will introduce those present at the hearing and will ensure those present understand the procedure to be followed.
- 1.2 The Chairman will give a brief outline of the matter to be considered.

#### **2 The Council's case**

- 2.1 The Council's representative will present its case.
- 2.2 The Council's representative may then be questioned by the following in the order shown:
  - (1) the applicant or his representative;
  - (2) the Council's legal representative;
  - (3) the representatives of statutory consultees (eg police, general practitioner)
  - (4) the members of the Committee.

#### **3 The applicant's case**

- 3.1 The applicant or representative will present his case.
- 3.2 The applicant or representative may then be questioned by the following in the order shown:
  - (1) the Council's representative and / or legal representative;
  - (2) the representatives of any consultees (eg police, general practitioner),
  - (3) the members of the Committee.

#### **4 Representatives / consultees**

- 4.1 The representatives of any consultees present shall then each present their case.

4.2 The representatives of any statutory consultees present may then each be questioned by the following in the order shown:

- (1) the applicant or his representative;
- (2) the Council's representative and / or legal representative;
- (3) the representative of any other statutory consultee, and
- (4) the members of the Committee.

### **5 Closing statements**

5.1 Closing statements will then be made in the following order:

- (1) The Council's representative and / or legal representative;
- (2) The representative of each of the statutory consultees, and
- (3) The applicant or his representative.

5.2 All persons present, with the exception of the members of the Committee, the advisor and the clerk, will then leave the meeting.

### **6 The Committee's decision**

6.1 The Committee will discuss and then vote on the application.

6.2 In the event of an equality of votes, the Chairman has a second or casting vote.

6.3 During the decision making process, the Committee may seek the advice and guidance of its clerk and advisor.

6.4 All persons referred to in paragraph 5.2 above will be asked to re-join the meeting. The Chairman will announce the Committee's decision with a summary of the reasons why if the application is refused or special conditions are added.

6.5 The applicant will be provided with a full written copy of the Committee's decision within 5 working days of the hearing.

6.6 If the application is refused, the decision must state clearly the reasons why.

6.7 Where an application is granted, the Committee should, where applicable, advise the applicant if any special conditions are imposed.

6.8 Where an application is refused or the grant of a licence is subject to the imposition of any special term, condition or restriction, the applicant should be advised that he has a right of appeal to the Magistrates' Court within 21 days of receiving the written decision.

Pages 7 to 52  
are not available to the public because the  
information is confidential.

They will be provided separately to  
Members of the Committee.