

# Licensing & Regulatory Committee

## Agenda

The following 3 Members ONLY  
are needed to attend

Mrs S Gurney (Chairman)  
Mr S Dunn  
Mr V Tapp

### *Date*

Thursday 18 April 2019

### *Time*

11:30 am

### *Place*

Council Chamber  
Thorpe Lodge  
1 Yarmouth Road  
Thorpe St Andrew  
Norwich

### *Contact*

Dawn Matthews tel (01603) 430404

Broadland District Council  
Thorpe Lodge  
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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 20 March 2019</a></u></b>  | <b>3 – 4</b>   |
| <b>4</b> | <b>Exclusion of the Press and public</b><br><br>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. |                |
| <b>5</b> | <b><u><a href="#">(11:30am) Local Government (Miscellaneous Provisions) Act 1976 – Private Hire Vehicle Driver Licensing</a></u></b>  | <b>9 – 24</b>  |
|          | To consider matters involving a private hire vehicle driver<br><br><u><a href="#">A copy of the procedure to be followed is attached</a></u>  | <b>5 – 8</b>   |
| <b>6</b> | <b><u><a href="#">Exempt Minutes of the meeting held on 20 March 2019</a></u></b>   | <b>25 – 28</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 **Wednesday 20 March 2019** at **9.30am** when there were present:

Mrs S C Gurney – Chairman

Mrs J Copplestone

Mr V Tapp

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

### **42 APOLOGY FOR ABSENCE**

An apology for absence was received from Mr R Knowles.

### **43 MINUTES**

The Minutes of the meeting held on 26 February 2019 were confirmed as a correct record and signed by the Chairman.

### **44 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.

### **45 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.

**46 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 grant the Private Hire Vehicle Driver's Licence subject to confirmation from the relevant medical professional that the applicant is fit to drive to the DVLA Group 2 medical standard.

**47 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 grant the Private Hire Vehicle Driver's Licence subject to the applicant meeting all the other prerequisites of holding a Private Hire Driver licence.

*The meeting closed at 10.50am*

### **Quasi-judicial procedure rules - Suspension and revocation of Private Hire Vehicle Driver's licences**

**The Committee comprises 3 district councilors, at least 2 of which must be present at each hearing.**

The Council may suspend, revoke or refuse to renew a driver's licence on the following grounds:

- (1) The driver has, since the grant of the licence, been convicted of an offence involving dishonesty, indecency or violence.
  - (2) The driver has, since the grant of the licence, been convicted of an offence under or has failed to comply with the provisions of the Town Police Clauses (1847) or Local Government Miscellaneous Provisions (1976) Acts.
  - (3) Any other reasonable cause.
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#### **1 Opening remarks by the Chairman of Committee**

- 1.1 The Chairman will introduce those present at the hearing and will ensure that all 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 Private Hire Vehicle Driver or his representative;
  - (2) the Council's legal representative;
  - (3) the representatives of consultees (eg Police, general practitioner)
  - (4) the members of the Committee.

#### **3 The Private Hire Vehicle Driver's Case**

- 3.1 The Private Hire Vehicle Driver or his representative present their case.
- 3.2 The Private Hire Vehicle Driver or his representative may then be questioned by the following in the order shown:
  - (1) the Council's representative and / or legal representative;

- (2) the representative of any consultee (eg the 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 Private Hire Vehicle Driver or his representative;
  - (2) the Council's representative and / or legal representative;
  - (3) the representative of any other 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 consultee and
  - (3) the Private Hire Vehicle Driver or his representative.
- 5.2 All persons present, with the exception of 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 the matters under consideration and determine by voting, the action to be taken.
- 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 Private Hire Vehicle Driver will be provided with a full written copy of the Committee's decision within 5 working days of the hearing.

- 6.6 In the event of a decision that is of disbenefit to the Private Hire Vehicle Driver, the Committee must clearly state the reasons how the Committee reached its decision.
- 6.7 The Private Hire Vehicle Driver should be advised that he has a right of appeal to the Magistrates' Court within 21 days of receiving the written decision.





Pages 9 to 28 are not available to the  
public because the information is  
confidential.

They will be provided separately to  
Members of the Committee.