

Licensing & Regulatory Committee

Agenda

The Committee will comprise the 3 Members in bold /underlined below:

Mrs S C Gurney Chairman

Ms J L Thomas Vice Chairman

Mr A D Adams
Ms S J Catchpole
Mr R R Foulger
Mr D G Harrison
Mrs C Karimi-Ghovanlou

Mr K S Kelly

M D King
Mr K G Leggett MBE

Mr M L Murrell

Mr N C Shaw

Date

Wednesday 20 November 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
Thorpe St Andrew
Norwich NR7 0DU

E-mail: dawn.matthews@broadland.gov.uk



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

- | | | |
|----------|---|--|
| 1 | <u>To receive declarations of interest under Procedural Rule no 8</u> | 3 – 4 |
| 2 | Apologies for absence | |
| 3 | Exclusion of the press and public

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. | |
| 4 | <u>(9.30am) Local Government (Miscellaneous Provisions) Act 1976 – Private Hire Vehicle Driver Licensing</u>

To consider an application for a private hire vehicle driver Licence

<u>A copy of the procedure to be followed is attached</u> | 7 – 18

5 – 6 |
| 5 | <u>(11.00am) Local Government (Miscellaneous Provisions) Act 1976 – Private Hire Vehicle Driver Licensing</u>

To consider an application for a private hire vehicle driver Licence

<u>A copy of the procedure to be followed is attached</u> | 19 - 28

5 – 6 |

Trevor Holden
Managing Director

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.

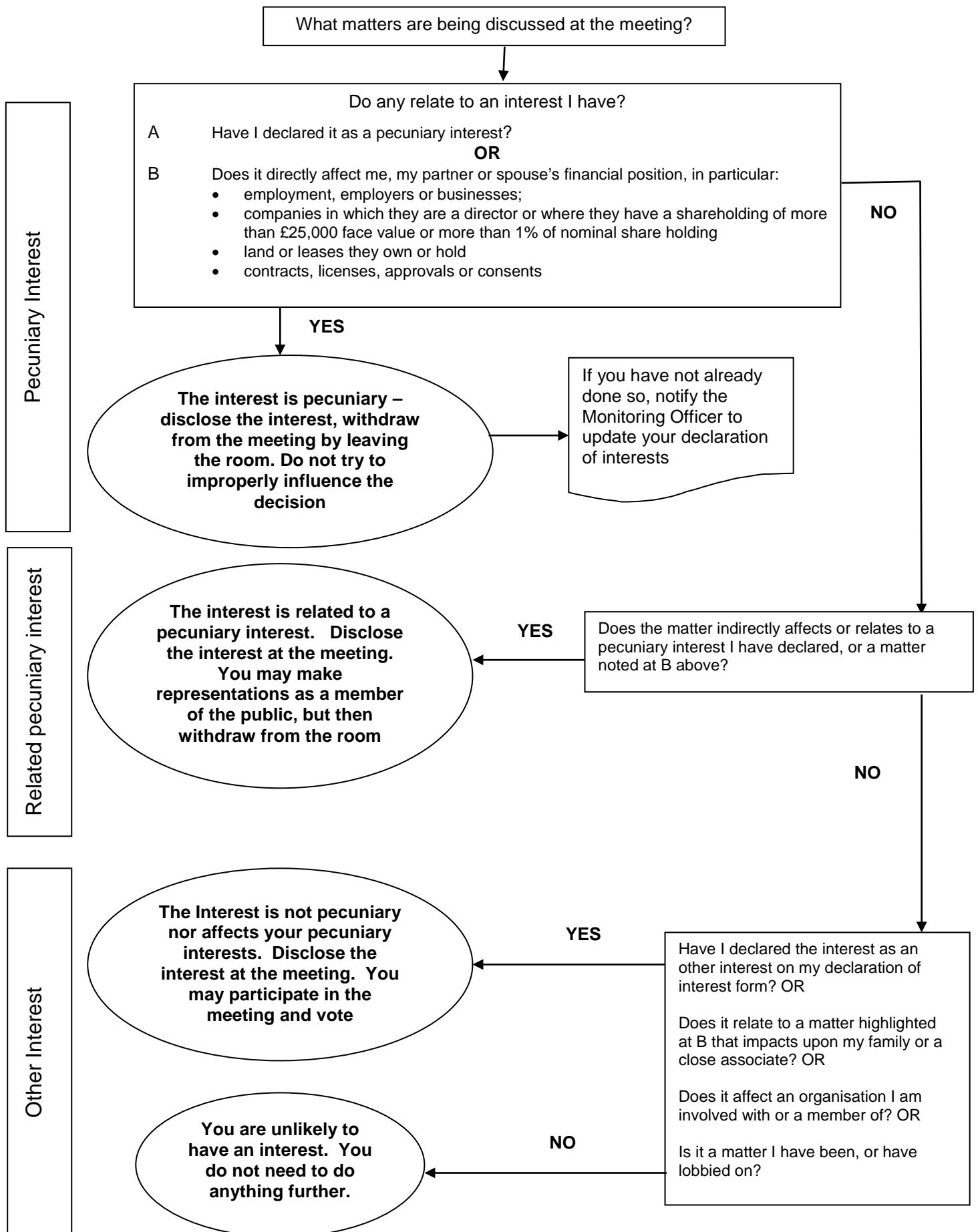
Is the interest not related to any of the above? If so, it is likely to be another interest. You will need to declare the interest, but may participate in discussion and voting on the item.

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



Quasi-judicial procedure rules

Applications for a private hire vehicle driver's licence

The committee comprises three district councillors. At least two members of the committee 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.

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 nature 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) and
 - (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), and
 - (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 28
are not available to the public because the
information is confidential.

They will be provided separately to
Members of the Committee.