

# 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

If any member wishes to clarify details relating to any matter on the agenda they are requested to contact the relevant Head of Service.

## Date

Wednesday 31 July 2019

## Time

9:30 am

## Place

Trafford Room  
Thorpe Lodge  
1 Yarmouth Road  
Thorpe St Andrew  
Norwich

## Contact

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@BDCCDemServices



### 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**

<b>A G E N D A</b>		<b>Page No</b>
<b>1</b>	<b><u>To receive declarations of interest under Procedural Rule no 8</u></b>	<b>3 – 4</b>
<b>2</b>	<b>Apologies for absence</b>	
<b>3</b>	<b><u>Non – Exempt Minutes of the meeting held on 5 June 2019</u></b>	<b>5 – 6</b>
<b>4</b>	<b>Matters arising therefrom (if any)</b>	
<b>5</b>	<b>Exclusion of the press and public</b>	
	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>6</b>	<b>(9.30am) Local Government (Miscellaneous Provisions) Act 1976 – Private Hire Vehicle Driver Licensing</b>	
	<b><u>To consider an application for a private hire vehicle driver Licence</u></b>	<b>11 – 24</b>
	<b><u>A copy of the procedure to be followed is attached</u></b>	<b>7 – 10</b>
<b>7</b>	<b><u>Exempt Minutes of the meeting held on 5 June 2019</u></b>	<b>25 – 29</b>

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.

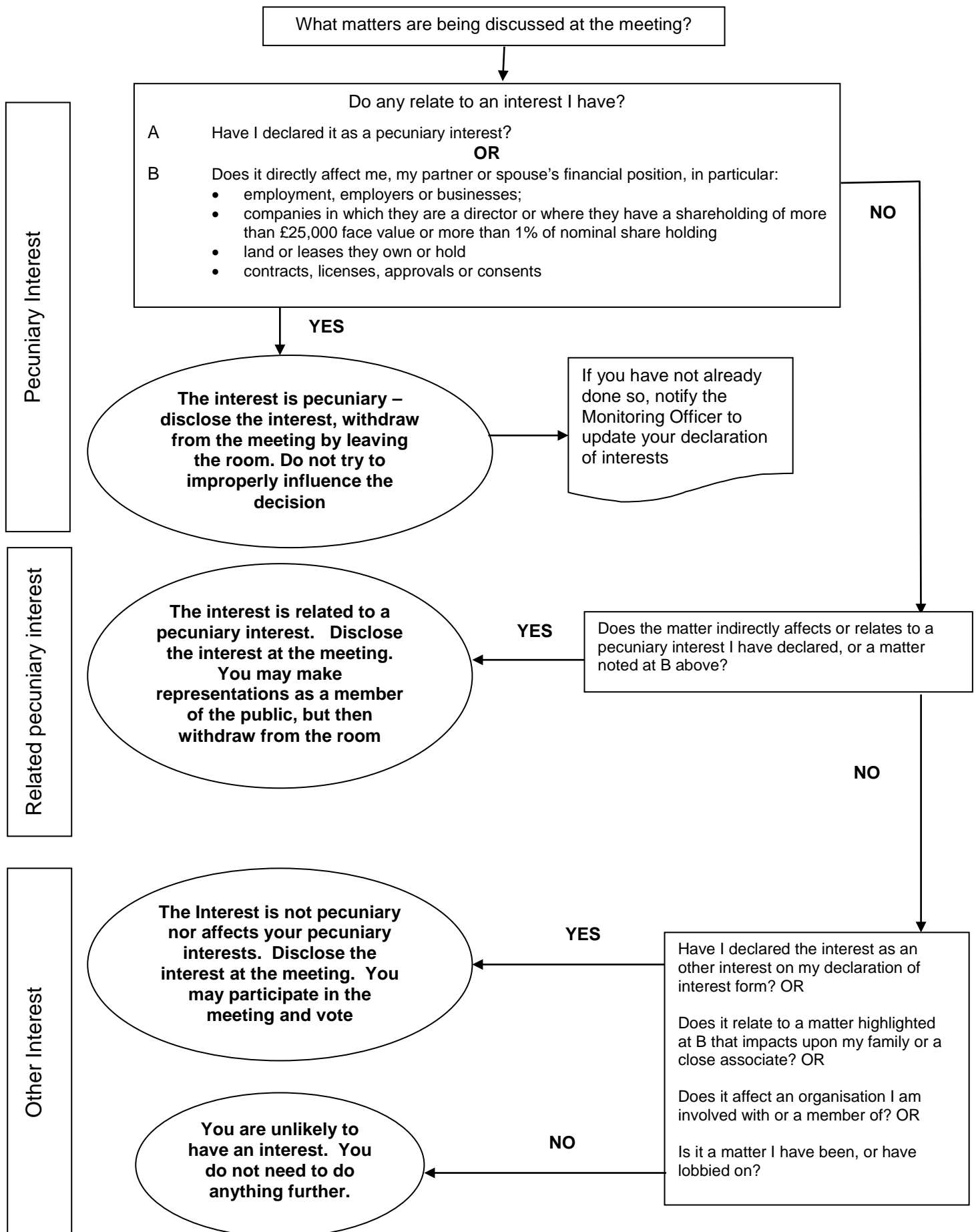
Is the interest not related to any of the above? If so, it is likely to be another interest. You will need to declare the interest, but may participate in discussion and voting on the item.

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



Minutes of a meeting of the **Licensing & Regulatory Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Tuesday 5 June 2019** at **9.30am** when there were present:

Mrs S C Gurney – Chairman

Ms S Catchpole

Ms J L Thomas

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 Ms T Eddison (the Committee's legal advisor), the Senior Environmental Health Officer (Safety and Licensing), the Technical Officer - Licensing Enforcement and the Committee Officer (DM).

Also present observing the meeting were Mrs C Karimi-Ghovanlou and Mr M Murrell.

### **3 MINUTES**

The non-exempt Minutes of the meetings held on 18 April and 21 May 2019 were confirmed as a correct record and signed by the Chairman.

### **4 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.

### **5 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 a Private Hire Vehicle Driver Licence for a period of one year, subject to satisfactory completion of the taxi/private hire driving assessment before

the licence is issued and to issue a written warning as to future conduct.

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

The Committee considered a renewal application for a Private Hire Vehicle Driver Licence, as detailed in the exempt appendix to the signed copy of these Minutes. w

After due consideration, it was:

#### **RESOLVED**

to

- (1) grant a Private Hire Vehicle Driver Licence for a period of one year, to issue a written warning as to future conduct and a reminder of the need to adhere to the requirements of the Blue Book;
- (2) request the licensing officers contact the operator concerned to remind them that all drivers should report all offences and cautions.

### **7 MINUTES**

The exempt Minutes of the meeting held on 18 April 2019 were confirmed as a correct record and signed by the Chairman.

*The meeting closed at 12.35pm*

## **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.

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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 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.

NOT FOR PUBLICATION BY VIRTUE OF SCHEDULE 12A OF PART 1 PARAGRAPHS 1, 3 and 7 OF THE LOCAL GOVERNMENT ACT 1972 (AS AMENDED) BY THE LOCAL AUTHORITIES (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 (contains information relating to any individual).

Pages 11 to 29  
are not available to the public because the  
information is confidential.

They will be provided separately to  
Members of the Committee.