

Licensing & Regulatory Committee

Agenda

Date

Wednesday 8 August 2018

Time

9:30 am

**The following 3 Members ONLY
are needed to attend**

Mrs S C Gurney - Chairman
Mr K Leggett
Mrs J Copplestone

Place

John Mack 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.**



@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**

A G E N D A

Page No

- | | | |
|----------|---|------------------------------------|
| 1 | To receive declarations of interest under Procedural Rule no 8 | |
| 2 | Apologies for absence | |
| 3 | <u>Non-exempt Minutes of meeting held on 25 July 2018</u> | 7 – 10 |
| 4 | Matters arising therefrom (if any) | |
| 5 | 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. | |
| 6 | (9:30am) Local Government (Miscellaneous Provisions) Act 1976 – Private Hire Driver Licensing

<u>To consider matters involving a private hire vehicle driver</u>

<u>A copy of the procedure to be followed is attached</u> | 11 – 22

3 – 6 |
| 7 | <u>Exempt Minutes of meeting held on 25 July 2018</u> | 23 – 24 |

P C Kirby
Chief Executive

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.
-

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.

Minutes of a meeting of the **Licensing & Regulatory Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Wednesday 25 July 2018** at **9.00am** when there were present:

Mrs S C Gurney – Chairman (Minutes 8 – 15)

Mrs J K Copplestone (Minutes 8 – 12) Mr K G Leggett MBE (Minutes 8 – 12)

Mr R F Grady (Minutes 8 – 15) Mr I N Moncur (Minutes 8 – 15)

Mr R J Knowles (Minutes 8 – 12) Mrs B H Rix (Minutes 8 – 12)

Mrs C H Bannock attended the meeting for all items of business as a newly appointed Member of the Committee but took no part in the decisions.

Also in attendance were Mr R Essex – the Committee's legal advisor (Minutes 13 – 15 only), the Food, Safety and Licensing Team Manager, the Technical Officers – Licensing Enforcement (SH) and (CN) and the Committee Officer (DM).

8 DECLARATIONS OF INTEREST

None made.

9 APOLOGIES FOR ABSENCE

An apology for absence was received from Mr V B Tapp.

10 MINUTES

The Minutes of the meeting held on 30 May 2018 were confirmed as a correct record and signed by the Chairman.

Minute no: 4 – Private Hire Vehicle Licensing

Members noted that the Council had now licensed the Nissan Leaf, an eco-friendly electric car.

11 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – TOWN POLICE CLAUSES ACT 1847 – HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS – CHARGING FOR SAFEGUARDING TRAINING

Members considered the report detailing a proposal to charge for safeguarding training delivered to private hire vehicle drivers. The training for

existing drivers had been free of charge to encourage all drivers to take part and courses had been well attended and received. The costs had been covered by funding available for safeguarding work. Liaison with other local authorities now implementing the safeguarding conditions including training had been ongoing with a view to arranging training for new drivers which was cost effective.

In response to questions, the Food, Safety and Licensing Team Manager outlined the costings involved. It was noted that an average of six attendees per training session from each of the participating councils would ensure the training was cost effective. A monthly premium was paid by participating councils irrespective of the numbers of drivers attending.

Having regard to ongoing collaboration work with South Norfolk, it was felt there was a need to review the situation regarding the proposed charges in the Spring.

RESOLVED

to

- (1) levy a charge of £25 per person for attendance at a safeguarding training course provided by Broadland District Council in respect of the requirements of the Council's Private Hire and Hackney Carriage Drivers Policy;
- (2) apply the charge in respect of safeguarding training delivered after 1 September 2018;
- (3) review the charges in February 2019.

12 REGULATORY SERVICES AND LICENSING – ANNUAL REPORT 2017/18

The Committee considered the annual report of the Food, Safety and Licensing Manager for 2017/18. The report served to inform Members of the activities undertaken under officer's delegated authority. The Food, Safety and Licensing Manager took Members through the annual report drawing attention to the key points of interest. It was noted that a review of the Council's Gambling Policy was being carried out. To date a very limited response had been received to the consultation on the new Policy. The outcome of the consultation and the proposed new policy would be considered by the Committee shortly.

With regard to the impending changes to the animal welfare licensing, guidance was slowing being issued on these and there would be implications for staff resources during the changes.

The Chairman suggested it would be helpful for the report to include data on the number of occasions the Committee had met, the number of cases considered and the outcome of the decisions.

Members thanked the Food, Safety and Licensing Manager for the report and it was

RESOLVED

to note and agree the annual report subject to the following:

- (1) Members had concerns about the under-resourcing in staff relating to work on new animal welfare licensing and recommended that an immediate review of staff resources and budget implications be undertaken to consider acquirement of additional support staff for the new legislation;
- (2) the addition to the annual report of data on the number of occasions the Committee had met, the number of cases considered and the outcome of the decisions.

The meeting adjourned at 10:30am and reconvened at 11:15am to consider the remaining items of business with the following Members present:

Mrs S C Gurney – Chairman

Mr I Moncur

Mr R F Grady

The applicant attended for Minute no: 15.

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

13 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.

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

This item was deferred for consideration at an extra meeting of the Committee arranged for 8 August 2018 due to the unavailability of the driver.

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

The Committee considered a matter involving a Private Hire Vehicle Driver. After due consideration, as detailed in the exempt appendix to the signed copy of these Minutes, it was

RESOLVED

to defer consideration of this application pending the outcome of the applicant's appeal to the Court.

The meeting closed at 11:50 am

Pages 11 to 22 and 23 to 24
are not available to the public because the
information is confidential.

They will be provided separately to
Members of the Committee.