

Licensing & Regulatory Committee

Agenda

Date

Wednesday 12 December 2018

Time

3:00 pm

The following 3 Members ONLY
are needed to attend

Mrs S C Gurney – Chairman
Mr R Knowles
Mr D Willmott

Place

Council Chamber
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

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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.



@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 the meeting held on 14 November 2018</u> | 3 – 4 |
| 4 | Matters arising therefrom (if any) | |
| 5 | (3:00pm) Local Government (Miscellaneous Provisions) Act
1976 – Private Hire Vehicle Licensing | |
| | <u>To consider matters involving the licensing of an eco-friendly private
hire vehicle</u> | 7 – 10 |
| | <u>A copy of the procedure to be followed is attached</u> | 5 – 6 |
| 6 | 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. | |
| 7 | <u>Exempt Minutes of meeting held on 14 November 2018</u> | 11 – 21 |

P C Kirby
Chief Executive

Minutes of a meeting of the **Licensing & Regulatory Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Wednesday 14 November 2018** at **9.30am** when there were present:

Mrs S C Gurney – Chairman

Mrs C Bannock

Mr V Tapp

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 L Parker (the Committee's legal advisor), the Food, Safety and Licensing Team Manager and the Committee Officer (DM). The Interim Head of Housing and Environmental Services attended as an observer for minute no 27.

25 MINUTES

The Minutes of the meeting held on 9 October 2018 were confirmed as a correct record and signed by the Chairman.

26 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.

27 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.

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

The Committee considered matters involving a private hire vehicle driver as detailed in the exempt appendix to the signed copy of these Minutes. After due consideration, it was

RESOLVED

to revoke the driver's Private Hire Vehicle Driver Licence.

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

The Committee considered matters involving a private hire vehicle driver whose case had previously been deferred by the Committee pending further information, as detailed in the exempt appendix to the signed copy of these Minutes. After due consideration, it was

RESOLVED

to suspend the driver's Private Hire Vehicle Driver's Licence for a period of 3 months and to require the driver to successfully complete a driving assessment for private hire drivers before his PHVD Licence is reinstated.

The meeting closed at 4.00pm

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.

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.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PRIVATE HIRE VEHICLE LICENSING

Mr Leon Davies and Mr James Phillips trading as Zero Taxis

1 SUMMARY

- 1.1 This report details an application to make an exception to Private Hire Vehicle and Hackney Carriage Policy and Conditions (PHVHCPC) in respect of the engine size of an eco-friendly vehicle and makes recommendations.

2 INTRODUCTION

- 2.1 The Private Hire Vehicle and Hackney Carriage Policy section 7 states:

The Council encourages the use of eco-friendly vehicles. Any application to licence a vehicle with an engine capacity of less than 1300cc will be considered on its own merits.

- 2.2 On 30 May 2018 the Committee considered an application by Mr Leon Davies and Mr James Phillips in respect of the licensing of an electrically powered vehicle, namely a Nissan Leaf.
- 2.3 Committee agreed the application which was specific to the Nissan Leaf model.

3 THE ISSUES

- 3.1 The applicants advise that their private hire business Zero Taxis is enjoying considerable success and they wish to licence additional electrically powered vehicles which do not have an engine but instead rely on a battery which powers a motor.
- 3.2 However, Nissan Leaf models are currently not readily available therefore the application is in respect of a Hyundai Ioniq.
- 3.3 The Hyundai Ioniq satisfies all other private hire vehicle licensing specification conditions and a number are currently licensed as private hire vehicles
- 3.4 A specifications booklet for the electric powered Hyundai Ioniq will be available for review at the meeting.

4 PROPOSED ACTION

- 4.1 The Committee, in its role as Licensing Authority, is requested to review the facts and determine whether it considers it appropriate to allow an exception to PHVHCPC section 7 in order to licence the Hyundai Ioniq electrically powered vehicle as a private hire vehicle.
- 4.2 The Committee will also wish to consider whether to provide an exception for all electrically powered vehicles providing:
- (1) the vehicle is able to comply with the requirements of all other private hire vehicle licensing specification conditions;
 - and
 - (2) the vehicle has a mileage range between battery charges which makes it feasible and viable to operate as a private hire vehicle;
 - and
 - (3) the owner and or operator of the vehicle has ready access to suitable battery charging points to facilitate the satisfactory operation of an electrically powered vehicle.

5 RESOURCE IMPLICATIONS

- 5.1 The Council could incur costs in officer and legal representative time if a person is aggrieved by the decision of the Committee and pursues an appeal to the Magistrates' Court.

6 LEGAL IMPLICATIONS

- 6.1 There are no legal implications other than the issues detailed at 5.1 and 7.1.

7 HUMAN RIGHTS

- 7.1 There are human rights implications associated with this matter. The interests of the applicant have to be balanced against the interests and protection of the wider community. Any actions proposed in respect of the application, must be proportionate to the matter under consideration, the decision making process must be transparent and the applicant must be given full opportunity to make representations. The Committee is therefore required to balance the interests of the applicant against the interests of the community and decide where the balance should lie.

8 RECOMMENDATION

- 8.1 The Committee is **RECOMMENDED** to review and carefully consider the information placed before it and to determine the application detailed at 4.1 above and the issue detailed at 4.2 above.

Leigh Booth
Interim Head of Housing and Environmental Services

BACKGROUND PAPERS:

None

For further information on this report please contact Paul Hemnell on 01603 430577, paul.hemnell@broadland.gov.uk or Sarah Harris on 01603 430580, sarah.harris@broadland.gov.uk.

Pages 11 to 21
are not available to the public because the
information is confidential.

They will be provided separately to
Members of the Committee.