

Licensing, Appeals and Complaints Sub-Committee

Agenda

Members of the Licensing, Appeals and Complaints Sub-Committee:

Cllr Yvonne Bendle (Chairman)
Cllr James Easter
Cllr Trevor Spruce

Date & Time:

Friday 28 May 2021
10.30am

Place:

Council Chamber, South Norfolk House, Cygnet Court, Long Stratton, Norwich, NR15 2XE

Contact:

Claire White tel (01508) 533669
Email: democracy@s-norfolk.gov.uk
Website: www.south-norfolk.gov.uk

Large print version can be made available

If you have any special requirements in order to attend this meeting, please let us know in advance.

AGENDA

1. **To report apologies for absence and to identify substitute members;**
2. **Any items of business which the Chairman decides should be considered as matters of urgency pursuant to Section 100B(4)(b) of the Local Government Act, 1972.** Urgent business may only be taken if, “by reason of special circumstances”, (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency;
3. **To receive Declarations of interest from Members;**
(Please see guidance form and flow chart attached – page 3)
4. **To confirm the minutes of the meeting of the Licensing, Appeals and Complaints Committee held on 23 March 2021;**
(attached – page 5)
5. **Exclusion of the Public and Press;**
To exclude the public from the meeting under Section 100A of the Local Government Act 1972 for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act (as amended).
6. **Town and Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 Combined Hackney Carriage / Private Hire Driver Licensing**

[NOT FOR PUBLICATION by virtue of paragraph 1 of part 1 of Schedule 12A of the Local Government Act 1972 (as amended)]
(report attached – page 8)

(Please note that Appendix 1 of the report is from an external source and we cannot guarantee that it will be accessible)

DECLARATIONS OF INTEREST AT MEETINGS

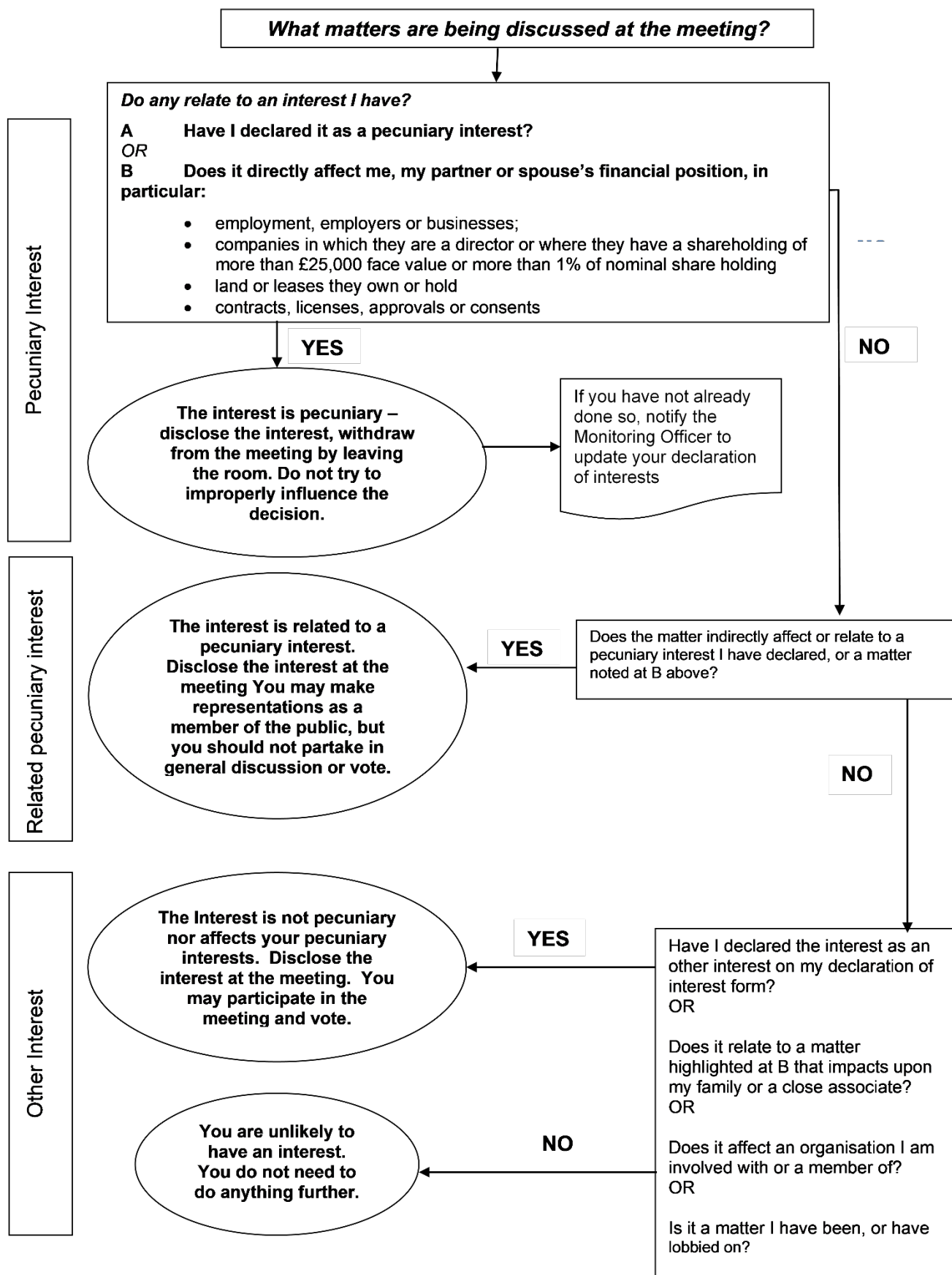
When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda 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.

<p>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.</p>
<p>Does the interest directly:</p> <ol style="list-style-type: none"> 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 <p>If the answer is "yes" to any of the above, it is likely to be pecuniary.</p> <p>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.</p>
<p>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</p> <p>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 you should not partake in general discussion or vote.</p>
<p>Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.</p>
<p>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.</p>

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



Agenda Item: 4

LICENSING APPEALS AND COMPLAINTS COMMITTEE

**Minutes of a remote meeting of the Licensing Appeals and Complaints
Committee of South Norfolk District Council held on 23 March 2021 at 10am.**

Committee Members Present: Councillors: W Kemp (Chairman), J Easter and P Hardy

Officers in Attendance: The Legal Adviser to the Committee (Julie Gowland), the Licensing and Enforcement Officer (Rosie Setford), the Food, Safety and Licensing Team Manager (Leigh Chant), the Democratic Services Manager (Claire White), the Democratic Services Officer (Jessica Hammond). (Rebecca Utton of Birketts LLP was in attendance observing).

656 MINUTES

The minutes of the meeting of the Licensing Appeals and Complaints Committee held on 25 July 2019 were, after prior consultation with the Chairman of the Committee on that date, confirmed as a correct record.

657 DECLARATIONS OF INTEREST

Cllr W Kemp declared that he worked for Birketts, the provider of the Council's legal services who were providing legal advice at the meeting. He had not discussed the case with them.

658 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PRIVATE HIREVEHICLE DRIVER LICENSING

(The applicant was in attendance for consideration of this item.)

The Chairman welcomed everyone to the meeting and explained the procedure for determining the application.

The Licensing and Enforcement Officer outlined the salient points of her report and outlined the application which was for a private hire vehicle licence for a Tesla X, vehicle registration GD70 CTO, to be used as an executive hire

vehicle. The application had been made on 26 January 2021 and on 2 February 2021 the vehicle had been inspected by a Council approved testing station. On 4 February 2021, the applicant, Mr M Brown, brought the Tesla Model X to the Council offices for inspection. On 11 February 2021 enquiries had been made with Tesla for further information in respect of safety testing, particularly in relation to it being used in a commercial capacity. As a result of concerns raised regarding the safety of the vehicle, in particular in relation to the door opening in the event of both batteries failing and storage of luggage, the matter had fallen to be determined by the Committee. The Licensing and Enforcement Officer then answered members' questions.

The applicant then addressed the Committee and answered questions from members. He made reference to charging arrangements for the vehicle and that he had undertaken a test run to Heathrow Airport. He confirmed the vehicle would be used for executive appointments. He explained the opening arrangements for the doors and the override arrangements in the event of mechanical failure. He expressed disappointment at the lack of support and incentives for encouraging the use of electric vehicles. Officers commented that a review of the Council's Licensing Policy was being undertaken and would include the use of electric vehicles and fees and charges. In response to conditions referred to in the report, the applicant accepted the suggested conditions relating to displaying emergency exit information and suitably securing luggage.

The applicant, the Licensing and Enforcement Officer, and the Food, Safety and Licensing Team Manager, left the meeting whilst members determined the application. They were then re-admitted to the meeting and the Chairman announced the decision.

In reaching its decision, the Committee had taken into account Section 48 of the Local Government (Miscellaneous provision) Act 1976 and South Norfolk Council's Private Hire and Hackney Carriage Policy. Having heard from the applicant and having particular reference to the conditions accepted by the applicant, the Committee concluded that the application should be granted as it was satisfied that the vehicle was suitable for use as a private hire vehicle and was safe.

The Committee unanimously

RESOLVED

- (1) to grant the application as sought by Mr Mark Brown of 54 The Street, Ashwellthorpe, for a private hire vehicle licence for Tesla X vehicle registration GD70 CTO subject to the conditions set out in paragraph 4.1 of the report;
- (2) that any further applications to licence this particular model and seating configuration be approved at officer level.

Those present were advised that persons who were aggrieved by the decision or the imposition of any term or condition or restriction, had a right of appeal to the Magistrates' Court within 21 days of the date on which they were notified of the decision.

(The meeting concluded at 10.30am)

Chairman