



# LICENSING AND REGULATORY COMMITTEE

Minutes of a meeting of the Licensing and Regulatory Committee of Broadland District Council, held on Wednesday 23 June 2021 at 10am.

**Committee Members Present:** Councillors: D King (Chairman), S Catchpole and M Murrell

**Officers in Attendance:** The Licensing Team Leader and Democratic Service Officers (JO and JH)

**Others in Attendance:** Mr D Lowens – Solicitor NPLaw (the Committee's legal advisor)

The licensed driver/operator and his solicitor for Minute no 3  
Mr L Davies for Minute no 4

## 1 DECLARATIONS OF INTEREST

None made.

## 2 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.

## 3 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS ACT) 1976 PRIVATE HIRE VEHICLE OPERATOR AND DRIVER LICENSING

The Committee considered matters involving a private hire vehicle driver licence and operator licence, as detailed in the exempt appendix to the signed copy of these minutes.

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After due consideration, it was

### **RESOLVED:**

To issue a written warning as to future conduct, with a further warning that should the licensed driver/operator be subject to any conviction (regardless of what sentence is imposed including a suspended sentence, fine, absolute or conditional discharge, Community Service Order, Probation Order, Restraining Order, disqualification of driving licence or imposition of penalty points), or any Binding Over Order or the acceptance of a Caution, during the remaining period of the licence(s), he will be called before the Committee with a view to reviewing the licence(s) and taking any appropriate legal action.

*The meeting was reopened to the public.*

#### **4 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS ACT) 1976 PRIVATE HIRE VEHICLE OPERATOR AND DRIVER LICENSING**

The Committee considered an application from Mr Leon Davies for a Private Hire Vehicle Licence for a licence Tesla Model 3, vehicle registration LD20 OJP.

The application had been referred to the Committee for consideration due to officer reservations over the door opening mechanism for the rear passenger seats of the vehicle.

The Licensing Officer read out the report in detail and invited Members to review the information before them and determine the matter.

The facts were that the passenger door openings were ordinarily powered by the main vehicle battery. In the event that the main battery failed, it was understood that there was a 12 volt back-up battery which provided sufficient power to open the doors. There was no manual door release mechanism.

It was suggested that the Committee might wish to consider whether this mechanism was appropriate where the vehicle was being used on a commercial basis. She reminded members that paragraph 11 of the Private Hire Vehicle Policy stated that 'any vehicle's suitability for licensing will also be determined by the positioning of its seating, fittings and fixtures for the ingress and egress of passengers and their safety.'

Members then heard from Mr Davies who advised members that the Tesla Model 3 was an ideal electric private hire vehicle. He informed the Committee that the vehicle used aircraft technology which allowed the doors to be

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opened from the inside and outside of the car manually in the event of a crash,

*The Committee then adjourned to the car park at 11.23am where they examined the car in question and Mr Davies explained how the door release mechanism worked in the event of a failure of electrical power.*

*The Committee reconvened at 11.31am when all the members mentioned above were present.*

In summing up the Licensing Officer reminded the Committee that it was recommended to review and carefully consider the information placed before it and that if members were minded to approve the application she asked them to confirm that approval of further similar vehicles be delegated to officers. She also asked members to note that South Norfolk Council had recently licenced a Tesla Model 3 as a Private Hire Vehicle, with conditions.

Mr Davies and the Licensing Officer then left the meeting whilst the Committee deliberated their decision. They were subsequently readmitted to the meeting and the Chairman announced the Committee's decision.

The Committee had unanimously determined that the Tesla Model 3 in its current configuration was a safe vehicle for private hire and that the approval of this model for private hire be delegated to officers. However, this delegation was limited to the Tesla 3 model in its current configuration and if subsequent applications came forward for other vehicles that raised similar concerns they should be brought before the Committee for determination. It was:

### **RESOLVED**

1. That the application for Tesla Model 3, vehicle registration LD20 OJP be approved; and
2. To delegate officers to approve the Tesla Model 3 for private hire in its current configuration, but that any other vehicles that raised similar concerns should be brought to the Committee for final determination.

(The meeting concluded at 11.52am)

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Chairman