

LICENSING AND REGULATORY COMMITTEE

Minutes of a meeting of the Licensing and Regulatory Committee of Broadland District Council, held at the council offices on Wednesday 17 November 2021 at 11am.

Committee Members Present: Councillors: D King – Chairman, J L Thomas, K G Leggett MBE, S M Prutton,

Others in attendance: David Lowens (NPLaw) – legal advisor to the Committee

Officers in Attendance: The Assistant Director – Regulatory (NH), the Food, Safety and Licensing Team Manager (LC), the Licensing Team Leader (SH) and the Democratic Services Officer (DM)

20 DECLARATIONS OF INTEREST

No declarations of interest were received.

21 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs R Foulger and K Kelly. The chairman expressed his disappointment that other members not in attendance had not offered their apologies.

22 MINUTES

The non-exempt minutes of the meeting held on 31 July 2019 were agreed as a correct record.

23 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 TOWN POLICE CLAUSES ACT 1847 - REVIEW OF THE COUNCIL'S HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE POLICY AND CONDITIONS

The Licensing Team Leader introduced the report which detailed a review of the Authority's Hackney Carriage and Private Hire Vehicle Policy and Conditions document. The draft document had been consulted upon and the results of the consultation were set out in the report. With regard to the consultation responses, these had where stated, been included in the revised policy and were currently denoted by tracked changes. With regard to references to disability training, the Licensing Team Leader updated members on progress being made to identify a number of options to deliver disability awareness training for drivers. A suggestion was made that, in the light of the recent terrorist related attack in Liverpool where the terrorist had utilised a taxi, training should incorporate terrorism awareness. The Assistant Director – Regulatory commented that all local authorities were bound by the Prevent duty which would cover such matters and that this could be strengthened in the light of the recent incident. The alert level in Broadland remained low. Members were satisfied that this would be covered by way of reference in the Policy to Prevent training.

Clarification was sought regarding the proposals for 6 monthly checks with the DBS Update Service and the implementation of this as from April 2025. The Licensing Team Leader confirmed that the intention was to undertake 6 monthly reviews for all drivers, with new applicants (following adoption of the new Policy) required to register for the Update Service from the date of their application but that a lead in period (up to 3 years) was sought for existing drivers to given them opportunity to register for the Update Service at their next review date and not have to incur additional costs of seeking to register before their renewal date. This would also help to manage the extra demand on staff resources.

Members then agreed the following amendments to the draft Policy:

Policy page / paragraph no:	Proposed change
New page	A glossary of terms, acronyms and abbreviations be included at the beginning of the policy
Page 7 para 10	After the words "agrees to comply with the conditions of their licence" add "which include the byelaws and conditions relating to Hackney Carriages and Private Hire Driver Licences"
Page 10 para 4	Replace short with shortest
Page 13 penultimate paragraph	Delete paragraph and replace with the definition taken directly from the Department of Transport – Statutory Taxi and Private Hire Vehicle Standards published July 2020 : <i>Without any prejudice, and based on the information before you, would you allow a person for whom you</i>

	<i>care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of the day or night?.</i>
Page 13/14	<p>Remove last paragraph on page 13 (including 2 lines on page 14) and first full paragraph on page 14.</p> <p><i>The reasons for the removal of these paragraphs related to concerns raised about the implications of potentially revisiting criminal convictions/non convictions and having heard legal advice at the meeting suggesting that adequate discretion and guidance was given by the wording of other paragraphs on page 13 and the deleted paragraphs were not required.</i></p>
Page 16 para 3	Delete the second sentence and replace with "The contents of the basic DBS check will be taken into account when deciding if they are a safe and suitable person to hold a vehicle licence".
Page 28 para 4	Insert full stop after "moving", remove "and", add "The driver will"
Page 29 para 2	Remove the list of examples of models and replace with "The vehicle must be an executive or prestige type vehicle and may be licensed on request and at the Licensing Officer's discretion".
Page 40 para 22	Remove words "this is a legal requirement"
Page 47	Update paragraph numbers
Page 47 para 11(b)	Change "sale of the vehicle" to "sale of any licensed vehicle"
Page 59 (row 5)	Delete "more than one conviction including" and replace with "any conviction or"
Page 60 (motoring convictions) middle paragraph	<p>Deleted "It is accepted that offences can be committed unintentionally, and". Replace "would" with "may". Add "A" before "single occurrence"</p> <p>Members had concerns about other wording in this section but noted and accepted that it was based on standardised wording promoted by the Institute of Licensing and used by licensing authorities throughout the Country to encourage a degree of standardisation of approach.</p>
Page 61	<p>Delete whole paragraph in the right hand column for "Other motoring offences" and replace with:</p> <p>"A minor traffic or vehicle related offence is one which</p> <ul style="list-style-type: none"> • does not involve loss of life or • does not involve driving under the influence of drink or drugs, <p>and has not resulted in injury to any person or damage to any property (including vehicles).</p>

	<p>Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.</p> <p>A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance.</p> <p>Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p>
Page 62	<p>Members had concerns about wording in this section. Officers explained that again it was based on standardised wording promoted by the Institute of Licensing and it related to the handling of sensitive data by drivers/operators and staff and the need to ensure this was done sensitively by all. Members felt this was not clear from the information on the page nor the heading and delegated authority to the officers, in consultation with the Chairman to amend the Heading and wording on this page.</p> <p>“More than one” conviction to be amended to remove the requirement for more than one conviction.</p>
Page 64 (last section)	Remove the third bullet point relating to the administration of medication
Page 65 (last section)	<p>Heading to be amended to “Action to be taken if a Driver has concerns”.</p> <p>First bullet point: change “your” to “a Driver’s”</p> <p>Second bullet: point change “you” to “a Driver is ” and delete “but is not of an urgent matter”</p> <p>Third bullet point: change “you” to “a Driver” and delete “on a non urgent matter”.</p>
All	Reference be made to Prevent training
	Check use of apostrophes – in particular driver’s
	Ensure consistent and appropriate use of singular and plural references (in particular page 62)
	References to V5 be included in the glossary and changed to V5 registration document

Subject to the amendments detailed above and to the amendments delegated to the officers in consultation with the Chairman, it was

RESOLVED TO RECOMMEND COUNCIL

to adopt the amended Policy and Conditions document.

24 GAMBLING ACT 2005 – REVIEW OF GAMBLING STATEMENT OF PRINCIPLES (POLICY STATEMENT)

Members considered the report of the Licensing Team Leader which detailed the outcome of the consultation process in respect of the review of Broadland District Council's Gambling Act Statement of Principles (Policy Statement). Members considered the schedule of responses received and agreed with the amendments proposed arising from the appraisal of the responses. It was, accordingly,

RESOLVED TO RECOMMEND COUNCIL

To adopt the draft Policy Statement including the table of delegations and as a consequence request the relevant amendments are made to the Constitution.

25 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED:

To exclude the press and public from the meeting for the following two items of 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.

26 MINUTES

The exempt minutes of the meeting held on 31 July 2019 were agreed as a correct record.

(The meeting concluded at 1:35pm)

Chairman