

Licensing and Regulatory Committee Agenda

The 3 members highlighted in bold/underline below:

Cllr D King - Chairman

Cllr J L Thomas - Vice Chairman

Cllr P E Bulman

Cllr S J Catchpole

Cllr J Davis

Cllr R R Foulger

Cllr D G Harrison

Cllr C Karimi-Ghovanlou

Cllr N Harpley

Cllr K S Kelly

Cllr K G Leggett MBE

Cllr M L Murrell

Cllr S M Prutton

Date & Time:

Wednesday 2 February 2022 at 9:30 am

Place:

Council Chamber, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU

Contact:

Dawn Matthews tel (01603) 430404 Email: committee.services@broadland.gov.uk

Website: www.southnorfolkandbroadland.gov.uk

PUBLIC ATTENDANCE:

If a member of the public would like to observe the meeting in person or to speak on an agenda item, please email your request to committee.services@broadland.gov.uk, no later than **5.00pm on Thursday 4 November 2021**. Please see further guidance on the options for public speaking at page 2 of this agenda.

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.

Public Speaking and Attendance

All public speakers are required to register to speak at public meetings by the date / time stipulated on the relevant agenda. Requests should be sent to:

committee.services@broadland.gov.uk

Public speaking can take place:

- Through a written representation (which will be read out at the meeting)
- In person at the Council offices

Please note that the Council cannot guarantee the number of places available for public attendance but we will endeavour to meet all requests.

All those attending the meeting in person are invited to sign in on the QR code for the building and promptly arrive at, and leave the venue. Hand sanitiser are still provided and we would encourage you to observe social distancing. Further guidance on what to do on arrival will follow once your public speaking registration has been accepted.

AGENDA

1. **To receive declarations of interest from members;**
(guidance and flow chart attached – page 4)
2. **To report apologies for absence and to identify substitute members;**
3. **To confirm the non- exempt minutes of the meetings held on 23 June 2021, 9 November 2021 and 17 November 2021;** (minutes attached – page 6)
4. **Matters arising from the minutes;**
5. **Exclusion of the Public and Press**
To exclude the public and press 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 paragraphs 1, 3 and 7 of Part 1 of Schedule 12A to the Act (as amended).

The procedure to be followed for each of agenda items 6 – 10 below is attached – page 19. Please note that as some of the documents contained within the reports at items 6-10 below have been provided by external sources and we cannot guarantee they are fully accessible.
6. **(9:30am) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PRIVATE HIRE VEHICLE DRIVER LICENSING** - to consider an application for a Private Hire Vehicle Driver Licence; (report attached – page 21)
7. **(10:30 am) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PRIVATE HIRE VEHICLE DRIVER LICENSING** – to consider an application for a Private Hire Vehicle Driver Licence; (report attached – page 35)

(The meeting will adjourn for a comfort break)
8. **(1.00 pm) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PRIVATE HIRE VEHICLE DRIVER LICENSING** - to consider an application for a Private Hire Vehicle Driver Licence; (report attached – page 47)
9. **(2.00 pm) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PRIVATE HIRE VEHICLE DRIVER LICENSING** - to consider an application for a Private Hire Vehicle Driver Licence; (report attached – page 61)
10. **To confirm the exempt minutes of the meetings held on 23 June 2021 and 9 November 2021;** (minutes attached – page 73)

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





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.

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)

Chairman

LICENSING AND REGULATORY COMMITTEE

Minutes and Decisions of the Licensing and Regulatory Committee meeting of Broadland District Council, held on Tuesday 9 November 2021 9:30 am.

Committee Members Present: Councillors: D King (Chairman), K Leggett and S Prutton

Officers in Attendance: The Licensing Team Leader (SH), the Licensing and Enforcement Officer (CN) and the Democratic Service Officer (DM)

Others in Attendance:	Mr Batchelor - the Applicant (for minute no:17) The applicant (for minute no: 19) Sarah Moss, Solicitor NPLaw (the Committee's legal advisor)
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14 DECLARATIONS OF INTEREST

None made

15 APOLOGIES

None made.

16 MINUTES

The minutes of the meeting held on 29 September 2021 were agreed as a correct record.

17 MATTERS ARISING

None raised.

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

The Chairman welcomed everyone to the meeting and explained that the matter before the Committee was an application for a Private Hire Vehicle (PHV) licence for an armoured personnel carrier, model FV432, registration UBD 149G.

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The Licensing Team Leader read out the officer's report. She advised the Committee that comments had been received in relation to the application from Norfolk Constabulary who had advised that, as long as the vehicle was serviced and maintained to a high standard, they saw no issue with it. Ideally the vehicle should be inspected by the DVSA to confirm it met the required standards. They had also suggested that, as the vehicle was being proposed for hire and reward, they would like to see seatbelts installed.

The Chairman commented that both the Police and the Council's licensing policy made reference to the need for seat belts.

The Committee then heard from the applicant who explained that he had originally purchased the vehicle for personal use by family and friends. He had however received enquiries from the public to hire the vehicle and had contacted his insurance company to see if this was possible. He had subsequently been advised that he needed to have a PHV licence to carry paying passengers although he understood he could do weddings and funerals without such a licence. With regard to the issue of seat belts, the vehicle pre-dated the legal requirement for vehicles to be fitted with seatbelts but one seat had been fitted with a seat belt for his child who was under 3. The legislation was a bit unclear as to whether this was required by law or not but he had chosen to install one. He was not sure if the vehicle could be fitted with belts to all seats. He added that the vehicle was limited to travelling at 20mph and was steel armour plated so there would be limited impact for a passenger should an accident occur. With regard to reference in the report to the significant step serving the main rear door, he commented that he had provided a portable step to facilitate easier access.

The applicant then answered questions. In response to a question from the Council's legal advisor, regarding whether the vehicle was legally permitted to be used on a public highway, Mr Batchelor stated the vehicle was registered with the DVLA and had a VC5 registration certificate (log book). It was 15 tonnes in weight and he was always mindful of ensuring it was only driven on suitable roads. He had also contacted Norfolk Police who had confirmed the vehicle could be used subject to meeting normal safety/MOT requirements. The Legal Advisor asked Mr Batchelor if he was aware of the Road Vehicle (Construction and Use) Regulations 1986 (as amended) to which Mr Batchelor responded that he was not.

A question was raised about the effect on passengers should the vehicle be forced to an emergency stop. It was suggested that the vehicle when forced into an emergency stop may suddenly tilt forward with a potential impact on any passengers not wearing seatbelts. Mr Batchelor commented that whilst he had encountered a situation where he had stopped sharply, coming to a quick standstill, he had not attempted an emergency stop with an immediate halt in movement such as to cause tilting. Mr Batchelor went on to confirm that the vehicle did not have any windows for passengers to see outside but that there was a TV in the vehicle which could be linked to camera's on the outside to

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offer a view of the outside if required. The top hatch could also be opened. The Vehicle had a total of 4 access doors. With regard to the issue of brake lights, Mr Batchelor was unsure if these were currently functioning but would investigate this further. (He subsequently confirmed that the vehicle did have brake lights fitted although it couldn't be confirmed that they were fully-functioning).

At this point in the meeting the Committee adjourned to view the vehicle. They noted that the vehicle appeared to have facility for the connection of seat belts. A comment was made that a grab rail would assist with easier access/egress.

On the meeting being reconvened, all present were then invited to make their closing statements.

The Licensing Team Leader invited the Committee to determine the matter and Mr Batchelor invited the Committee to support his application.

Mr Batchelor and the Licensing Officers then left the meeting. They were subsequently readmitted to the meeting and the Chairman announced the Committee's decision.

DECISION OF THE LICENSING AND REGULATORY COMMITTEE

The Committee unanimously decided not to grant a private hire vehicle licence.

REASONS FOR THE COMMITTEE'S DECISION

In its role as the Licensing Authority, the Committee carefully considered all the information presented to it, including the submissions put forward by the Applicant, the paperwork including guidance and photographs presented by the Licensing Officers and inspection of the vehicle itself.

In coming to their decision, the Committee had regard to Section 48 of the Local Government (Miscellaneous Provisions) Act 1976, noting that they should not grant a private hire vehicle licence unless they were satisfied that the vehicle was: suitable in type, size and design for use as a private hire vehicle; and safe. The Committee were mindful of their obligation to ensure the safety of the public.

With regard to this, the Committee were of the understanding that according to government guidance, all vehicles to be driven on public roads in Great Britain must comply not only with insurance and licensing requirements, and registration with the DVLA requirements, but also the applicable construction and use regulations, namely the Road Vehicles (Construction and Use)

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Regulations 1986 (as amended) and the Road Vehicles Lighting Regulations 1989 (as amended), to ensure that the vehicle meets accepted standards of construction and can, therefore, be legally driven on public roads. The Committee also understands that with reference to the Road Vehicles (Authorisation of Special Types) (General Order) 2003, there is a restriction of use under section 43(2), which prohibits any track-laying vehicle not complying with all aspects of the Road Vehicles (Construction and Use) Regulations 1986 from being used for hire or reward. Further, the Committee understands that registration of the vehicle with DVLA does not exempt compliance with the Road Vehicles (Construction and Use) Regulations 1986.

The Applicant having confirmed that he had no knowledge of the Road Vehicles (Construction and Use) Regulations 1986 and had believed that he was permitted to use public roads on the basis of confirmation from Norfolk Police, the Committee were of the opinion that due to the many specialised and technical provisions of the Road Vehicles (Construction and Use) Regulations 1986 and Road Vehicles Lighting Regulations 1989 (as amended) they could not be satisfied that the vehicle met all aspects of this legislation and could legally be driven on public roads. Any decision to grant a licence may, therefore, be unlawful given the restriction of use under section 43(2) for track-laying vehicles not being in full compliance with the Road Vehicles (Construction and Use) Regulations 1986. The Committee were of the opinion that the relevant authority to decide whether the vehicle in question was in full compliance with the applicable legislation was the Department of Transport.

Further, applying the requirements of the council's own policy, the Committee had various concerns as to the safety of the vehicle for fee-paying passengers in terms of the lack of brake lights, grab rails, and sufficient numbers of seat belts for all passengers, which the Committee felt affected whether the vehicle was safe for use as a private hire vehicle. However, the principal reason for refusing the application was that the Committee could not be satisfied as to the vehicle's compliance with the applicable construction regulations and subsequent concerns as to the lawfulness of granting a licence, given the restrictions on use for a track-laying vehicle. Should confirmation that the vehicle does comply with the applicable legislation be obtained, the Applicant was invited to make a new application.

RIGHTS OF APPEAL

Rights of appeal are set out in S.48(7) of the Local Government Miscellaneous Provisions Act 1976. Any person wishing to appeal this decision by the licensing authority to refuse to grant the application, or any conditions imposed on the licence should do so within the period of 21 days from the receipt of written notification of the decision appealed against. Any appeal must be sent directly to the Magistrates' Court.

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This written decision would be provided to the applicant within 5 working days of the meeting.

19 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.

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

The Committee considered matters involving an application for a private hire vehicle driver licence, as detailed in the exempt appendix to the signed copy of these minutes and made the decision below and detailed in full in the appendix.

RESOLVED

To grant the licence but attach a written warning.

(The meeting concluded at 12.40pm)

Chairman

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

Quasi-judicial procedure rules - Application for a Private Hire Vehicle 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), and
 - (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.

**NOT FOR PUBLICATION BY VIRTUE OF SCHEDULE 12A OF PART 1
PARAGRAPHS 1, 3 & 7 OF THE LOCAL GOVERNMENT ACT 1972 (AS
AMENDED) THE LOCAL AUTHORITIES (ACCESS TO INFORMATION)
(VARIATION) ORDER 2006 (Contains information relating to: an individual; the
financial or business affairs of any particular person and action to be taken in
connection with the prosecution of a crime)**

Pages 21 to 79 are not available to the
public because the information is
confidential as it includes exempt
information about the financial or business
affairs of a person