

Licensing, Appeals and Complaints Sub-Committee

Agenda

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

Cllr Yvonne Bendle (Chairman)
Cllr Tony Holden
Cllr Nigel Legg

Date & Time:

Monday 11 April 2022
10.30am

Place:

Cavell Room, South Norfolk House, Cygnet Court, Long Stratton, Norwich, NR15 2XE

Contact:

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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 28 March 2022;** (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[NOT FOR PUBLICATION by virtue of paragraph 1 of part 1 of Schedule 12A of the Local Government Act 1972 (as amended)]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)

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 SUB-COMMITTEE

Minutes of a meeting of the Licensing Appeals and Complaints Sub-Committee of South Norfolk District Council held at South Norfolk House, Long Stratton on Monday 28 March 2022 at 10.30am.

Committee Members Present: Councillors: Y Bendle (Chairman), J Easter and J Halls

Officers in Attendance: The Legal Adviser to the Committee (J Gowland), the Licensing and Enforcement Officer (R Setford) and the Democratic Services Manager (C White).

669 MINUTES

The minutes of the meeting of the Licensing Appeals and Complaints Committee held on Tuesday 16 November 2021 were confirmed as a correct record.

670 EXCLUSION OF THE PUBLIC AND PRESS

It was

RESOLVED

That under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting 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 Schedule 12A of the Act (as amended).

671 TOWN AND POLICE CLAUSES ACT 1847 AND LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PRIVATE HIRE OPERATOR 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 her report and drew attention to the key areas for member consideration.

The applicant referred to the offences that had occurred and apologised for the breach in licensing conditions. He responded to a number of questions from both members and the Legal Advisor.

The applicant and the Licensing and Enforcement Officer then left the meeting whilst members determined the application. They were then readmitted to the meeting and the Solicitor announced the decision.

It was

RESOLVED

1. To grant the application to renew the applicant's Combined Hackney Carriage/Private Hire Driver Licence for a period of one year;
2. To impose a requirement that the applicant complete a Driving Standards Assessment course within 6 weeks, failure to do so to result in the suspension of their licence until completed;
3. To impose a requirement that the applicant attend at the Council offices to appraise themselves of the South Norfolk Council Private Hire and Hackney Carriage Policy and ensure they are familiar with the obligations placed upon them. This is to be completed within a period of 6 weeks (if this timeframe is not feasible they must notify the Licensing Team) and the Licensing Authority is to provide confirmation of that being completed;
4. That a written warning be issued as to the applicant's conduct, advising that should the applicant be subject to any conviction (regardless of what sentence is imposed) or any Binding Over order or the acceptance of a Caution, within a period of one year from today, they will be called before the Committee with a view to reviewing the licence and taking any appropriate legal action;
5. To impose 3 penalty points under the Council's Private Hire and Hackney Carriage Policy for failure to notify the Licensing Team in writing within 7 days of any points or convictions being imposed.

The applicant was advised that should they be aggrieved by the decision or the imposition of any term or condition or restriction, they had a right of appeal to the Magistrates' Court within 21 days of the date on which they were notified of the decision in writing.

(The meeting concluded at 12.12pm)

Chairman