

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 25 May 2022 at 2.00pm

Place:

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

Contact:

Dawn Matthews tel (01603) 430404 Email: committee.bdc@southnorfolkandbroadland.gov.uk

Website: www.southnorfolkandbroadland.gov.uk

PUBLIC ATTENDANCE:

If a member of the public would like to speak at the meeting , please email your request to committee.bdc@southnorfolkandbroadland.gov.uk no later than **5.00pm on Friday 20 May 2021..**

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 receive declarations of interest from members;
(guidance and flow chart attached – page 3)
2. To report apologies for absence and to identify substitute members;
3. To confirm the non- exempt minutes of the meeting held on 2 February 2022,
(minutes attached – page 5)
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 agenda item 6 below is attached – page 8.

Please note that some of the documents contained within the reports at items 6 below have been provided by external sources and we cannot guarantee they are fully accessible.

6. (2.00pm) **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 11)
7. To confirm the exempt minutes of the meetings held on 2 February 2022
(minutes attached – page 21)

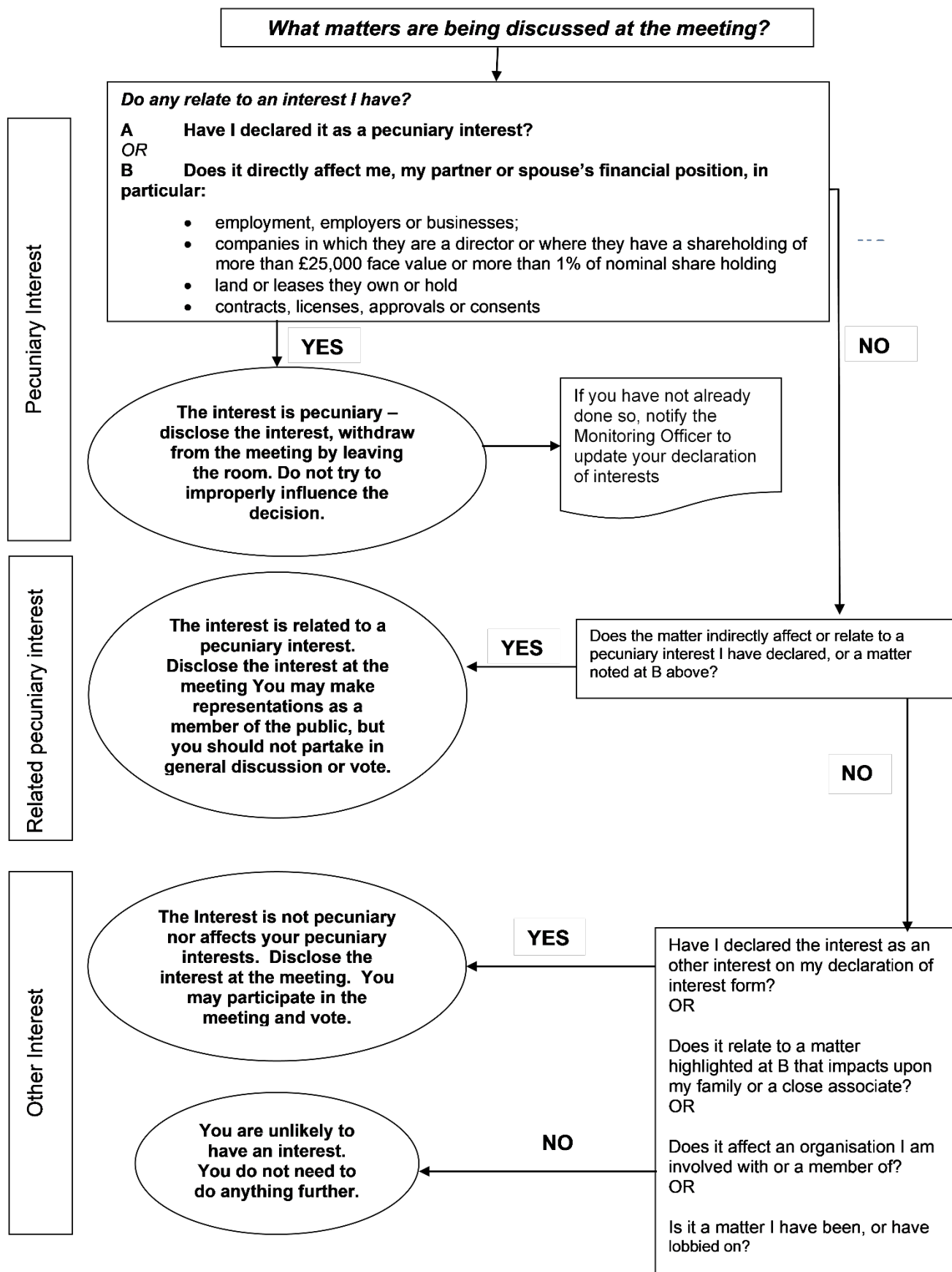
DECLARATIONS OF INTEREST AT MEETINGS

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 at the Council offices on Wednesday 2 February 2022 at 9:30 am.

Committee Members Present:

Councillors: D King (Chairman), S Catchpole and S Prutton

Officers in Attendance:

The Licensing Team Leader (S Harris), the Licensing and Enforcement Officer (C Norman) for minute nos: 31 and 34 and the Democratic Services Officer (D Matthews)

Others in Attendance:

Mr D Lowens – Solicitor NPLaw (the Committee's legal advisor)

The applicants in respect of each of the cases at minute nos: 31-34 below

27 DECLARATIONS OF INTEREST

None made.

28 APOLOGIES FOR ABSENCE

None made.

29 MINUTES

The non-exempt minutes of the meetings held on 23 June, 9 November and 17 November 2021 were confirmed as a correct record and signed by the Chairman.

30 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.

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

The Committee considered an application for a private hire vehicle driver licence as detailed in the exempt appendix to the signed copy of these minutes. After due consideration, it was

RESOLVED:

To issue the Private Hire Vehicle Driver's licence but attach a written warning as to future conduct, with a further warning that should the driver 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 period of the licence, they will be called before the Committee with a view to reviewing the licence and taking any appropriate legal action.

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

The Committee considered an application for a private hire vehicle driver licence as detailed in the exempt appendix to the signed copy of these minutes. After due consideration, it was

RESOLVED:

To issue the Private Hire Vehicle Driver's licence for a restricted period of 18 months and attach a written warning as to future conduct, with a further warning that should the driver 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 period of the licence, they will be called before the Committee with a view to reviewing the licence and taking any appropriate legal action.

Licensing and Regulatory Committee

[The meeting adjourned at 11:15am and reconvened at 1.00pm with those listed above in attendance (with the exception of the Licensing and Enforcement Officer.)]

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

The Committee considered an application for a private hire vehicle driver licence as detailed in the exempt appendix to the signed copy of these minutes. After due consideration, it was

RESOLVED:

To issue the Private Hire Vehicle Driver's licence subject to the Council's Standard Licence Conditions.

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

The Committee considered an application for a private hire vehicle driver licence as detailed in the exempt appendix to the signed copy of these minutes. After due consideration, it was

RESOLVED:

Issue the Private Hire Vehicle Driver's licence for a restricted period of 6 months and attach a written warning as to future conduct, with a further warning that should the driver 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 period of the licence, they will be called before the Committee with a view to reviewing the licence and taking any appropriate legal action.

35 MINUTES

The exempt minutes of the meetings held on 23 June and 9 November 2021 were confirmed as a correct record and signed by the Chairman.

(The meeting concluded at 3.00pm)

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
PARAGRAPH 1,3 and 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 10 to 29 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