

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:

Monday 13 December 2022 at 10am

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 Thursday 8 December 2022**.

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 two meetings held on 23 November 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 11.
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. **(10.00pm) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
PRIVATE HIRE VEHICLE OPERATOR AND DRIVER LICENSING - to consider**
matters involving a Private Hire Vehicle Driver; (report attached – page 13)
7. **To confirm the exempt minutes of the meeting held on 23 September 2022**
(minutes attached – page 24)

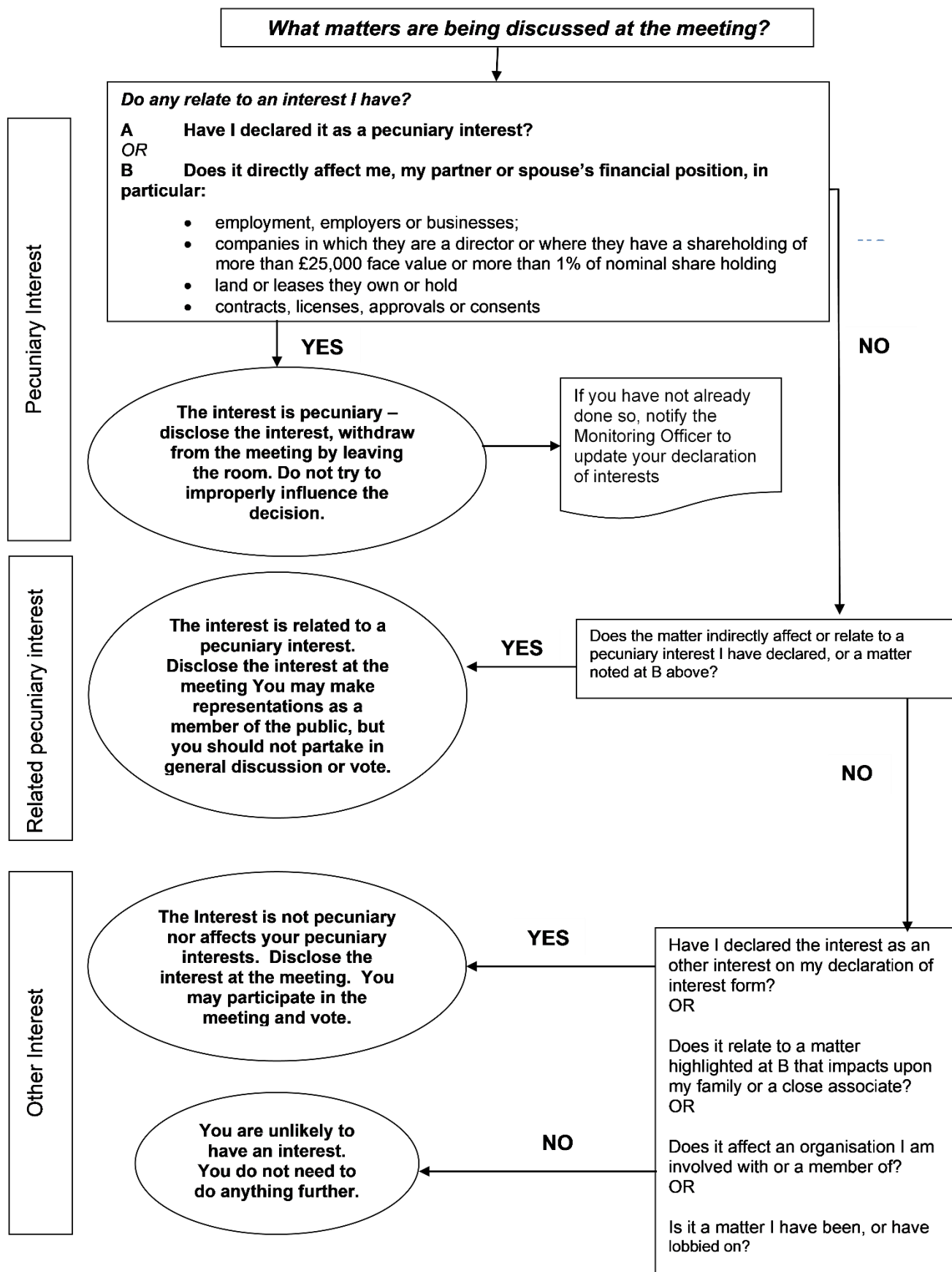
DECLARATIONS OF INTEREST AT MEETINGS

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 23 November 2022 at 10:00 am.

Committee Members Present:	Councillors: D King (Chairman), S J Catchpole, J Davis, C Karimi-Ghovanlou, K S Kelly, K G Leggett, S M Prutton,
Officers in Attendance:	The Licensing Team Leader (SH), the Licensing Officer (IS) and the Democratic Services Officer (DM)
Others in Attendance:	Sarah Moss – Solicitor NPLaw (the Committee’s legal advisor)

7 DECLARATIONS OF INTEREST

None made.

8 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors: R R Foulger, N Harpley, D G Harrison and M L Murrell.

9 MINUTES

The non-exempt minutes of the meeting held on 5 September 2022 were confirmed as a correct record.

10 MATTERS ARISING

No matters were raised.

**11 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS ACT) 1976
TOWN POLICE CLAUSES ACT 1847 – TAXIMETER TARRIF (TABLE OF
FARES) CONSULTATION RESPONSES**

The report detailed the results of a consultation exercise in respect of a proposed table of fares which would be applicable to any licensed hackney carriages operating in the District from 1 April 2023.

The Licensing Team Leader reminded members that in 2021 the Council had adopted the new Policy and Conditions relating to Hackney Carriage and Private Hire Vehicles and, as part of this, there was a requirement that all Hackney Carriages be fitted with taximeters with effect from April 2023. A proposed table of fares had been drafted and submitted for an eight week period of consultation.

In setting the charges, attempts had been made to accurately take account of the current and foreseeable financial climate over the next 12 months but this had been difficult because of the unsettled nature of the current financial situation. To ensure that charges remained relevant it was proposed that a system of reviewing fares be adopted. The Licensing Team Leader drew attention to the range of factors which had a direct impact on the costs of operating hackney carriages which would be taken into account in reviewing charges and a table of the source of data on costs was circulated to members and is attached at appendix 1 to the signed copy of these minutes.

The Licensing Team Leader drew attention to the responses received to the consultation and advised the Committee that, where applicable, comments made had been taken into account in drafting the table of charges. A copy of a table of comparative charges with other councils was circulated to members (attached at appendix 2 to the signed copy of these minutes).

The Licensing Team Leader then answered questions from members. She confirmed that, disability needs fell outside the remit of this consultation exercise, which dealt with proposed fares for licensed hackney carriages; the Council's Policy had been reviewed in 2021 and consideration had been given at that time to disability needs, for example, all drivers were now required to undertake disability awareness training. She reaffirmed the proposal to undertake reviews of the charges, probably annually, but in light of the current financial climate, fees would be monitored regularly. It was acknowledged that fares could potentially be reduced as well as increased depending on the prevailing financial circumstances. Any proposed changes to fees would be presented to the Committee / Council for consideration.

Reference was made by members to the shortage of taxis in the district and it was noted that this was due to a number of reasons but had probably been impacted by COVID. There were no Hackney Carriages in Broadland as the district lacked any major market towns or railway stations which tended to

attract the service. It was noted however that compared to other districts, the Council had a large number of licensed private hire vehicles/drivers and the number of applications being received was very high. Members noted that Hackney Carriages could only be hailed or use taxi ranks within the district where the licence was held.

In response to a comment that the proposed fares were at the higher end of the scale of charges made by other councils, the Licensing Team Leader advised that the proposed charges were similar to those adopted in Breckland and Gt Yarmouth where charges had recently been reviewed. Other Councils in the comparison table had not recently reviewed their charges. Officers had been in contact with other local authorities during the formulation of the table of proposed charges. It was also confirmed that the charges proposed set the maximum amounts that Hackney Carriage operators/drivers could charge and that it was possible for lower amounts to be charged than shown on the taximeter or a lower price for a particular journey to be agreed before the start of the journey.. There was however a requirement for a meter to be running during a fare which would show the maximum tariff.

In response to a question about the correlation between private hire charges and hackney carriage charges, the Licensing Team Leader explained that unlike the hackney carriage charges, there was no requirement for councils to produce a table of fares for private hire vehicles and that these were determined by the operator/driver and agreed with a passenger at the point of booking. Hackney carriages tended to be hailed at the side of the road and the table of charges helped to protect the passenger from being overcharged.

Having considered the draft table of fares document and the responses to the consultation exercise, it was

RESOLVED:

To recommend Council to adopt the table of fares document (attached at appendix 3 to the signed copy of these minutes) with a view to the agreed fares taking effect from 1 April 2023.

12 EXCLUSION OF THE PRESS AND PUBLIC

It was

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.

13 MINUTES

The exempt minutes of the meeting held on 5 September 2022 were confirmed as a correct record and signed by the Chairman.

(The meeting concluded at 10.35 am)

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 23 November 2022 at 11:15 am.

Committee Members Present:	Councillors: D King (Chairman), J Davis and C Karimi-Ghovanlou
Officers in Attendance:	The Licensing Team Leader (SH), the Licensing and Enforcement Officer (CN) and the Democratic Services Officer (DM)
Others in Attendance:	Sarah Moss – Solicitor NPLaw (the Committee’s legal advisor)

14 DECLARATIONS OF INTEREST

None made.

15 APOLOGIES FOR ABSENCE

None received.

16 EXCLUSION OF THE PRESS AND PUBLIC

It was

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.

17 PERSONAL LICENCE – CONVICTION OF A RELEVANT OFFENCE

The Committee considered the exempt report detailing matters involving a relevant conviction of a Personal Licence Holder and options for further action. After due consideration, as detailed in the exempt appendix, it was

RESOLVED to revoke the personal licence.

(The meeting concluded at 11.47pm)

Chairman

QUASI-JUDICIAL PROCEDURE RULES

Suspension and revocation of private hire vehicle driver's licences

The committee comprises three district councillors. At least three members of the committee must be present at each hearing.

The council may suspend, revoke or refuse to renew a driver's licence on the following grounds:

- (1) The driver has, since the grant of the licence, been convicted of an offence involving dishonesty, indecency or violence.
 - (2) The driver has, since the grant of the licence, been convicted of an offence under or has failed to comply with the provisions of the Town Police Clauses (1847) or Local Government Miscellaneous Provisions (1976) Acts.
 - (3) Any other reasonable cause.
-

1. Opening remarks by the chairman of committee

- 1.1 The chairman will introduce those present at the hearing and will ensure that all present understand the procedure to be followed.
- 1.2 The chairman will give a brief outline of the nature 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 private hire vehicle driver or his representative;
 - (2) the council's legal representative;
 - (3) the representatives of consultees (eg police, general practitioner) and
 - (4) the members of the committee.

3 The private hire vehicle driver's case

- 3.1 The private hire vehicle driver or his representative will present their case.
- 3.2 The private hire vehicle driver or his representative may then be questioned by the following in the order shown:
 - (1) the council's representative and/or legal representative;
 - (2) the representative of any consultee (eg the 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 private hire vehicle driver or his representative;
 - (2) the council's representative and/or legal representative;
 - (3) the representative of any other 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 consultee and
 - (3) the private hire vehicle driver or his representative.
- 5.2 All persons present, with the exception of 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 the matters under consideration and determine by voting, the action to be taken.
- 6.2 In the event of an equality of votes, the chairman has a second or casting vote.
- 6.1 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 private hire vehicle driver will be provided with a full written copy of the committee's decision within 5 working days of the hearing.
- 6.6 In the event of a decision that is of disbenefit to the private hire vehicle driver, the committee must clearly state the reasons how the committee reached its decision.
- 6.7 The private hire vehicle driver 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 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 13 to 25 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