

LICENSING APPEALS AND COMPLAINTS COMMITTEE

**Minutes of a remote meeting of the Licensing Appeals and Complaints
Committee of South Norfolk District Council held on 23 March 2021 at 10am.**

Committee Members Present: Councillors: W Kemp (Chairman), J Easter and P Hardy

Officers in Attendance: The Legal Adviser to the Committee (Julie Gowland), the Licensing and Enforcement Officer (Rosie Setford), the Food, Safety and Licensing Team Manager (Leigh Chant), the Democratic Services Manager (Claire White), the Democratic Services Officer (Jessica Hammond). (Rebecca Utton of Birketts LLP was in attendance observing).

656 MINUTES

The minutes of the meeting of the Licensing Appeals and Complaints Committee held on 25 July 2019 were, after prior consultation with the Chairman of the Committee on that date, confirmed as a correct record.

657 DECLARATIONS OF INTEREST

Cllr W Kemp declared that he worked for Birketts, the provider of the Council's legal services who were providing legal advice at the meeting. He had not discussed the case with them.

658 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PRIVATE HIREVEHICLE DRIVER 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 the salient points of her report and outlined the application which was for a private hire vehicle licence for a Tesla X, vehicle registration GD70 CTO, to be used as an executive hire

vehicle. The application had been made on 26 January 2021 and on 2 February 2021 the vehicle had been inspected by a Council approved testing station. On 4 February 2021, the applicant, Mr M Brown, brought the Tesla Model X to the Council offices for inspection. On 11 February 2021 enquiries had been made with Tesla for further information in respect of safety testing, particularly in relation to it being used in a commercial capacity. As a result of concerns raised regarding the safety of the vehicle, in particular in relation to the door opening in the event of both batteries failing and storage of luggage, the matter had fallen to be determined by the Committee. The Licensing and Enforcement Officer then answered members' questions.

The applicant then addressed the Committee and answered questions from members. He made reference to charging arrangements for the vehicle and that he had undertaken a test run to Heathrow Airport. He confirmed the vehicle would be used for executive appointments. He explained the opening arrangements for the doors and the override arrangements in the event of mechanical failure. He expressed disappointment at the lack of support and incentives for encouraging the use of electric vehicles. Officers commented that a review of the Council's Licensing Policy was being undertaken and would include the use of electric vehicles and fees and charges. In response to conditions referred to in the report, the applicant accepted the suggested conditions relating to displaying emergency exit information and suitably securing luggage.

The applicant, the Licensing and Enforcement Officer, and the Food, Safety and Licensing Team Manager, left the meeting whilst members determined the application. They were then re-admitted to the meeting and the Chairman announced the decision.

In reaching its decision, the Committee had taken into account Section 48 of the Local Government (Miscellaneous provision) Act 1976 and South Norfolk Council's Private Hire and Hackney Carriage Policy. Having heard from the applicant and having particular reference to the conditions accepted by the applicant, the Committee concluded that the application should be granted as it was satisfied that the vehicle was suitable for use as a private hire vehicle and was safe.

The Committee unanimously

RESOLVED

- (1) to grant the application as sought by Mr Mark Brown of 54 The Street, Ashwellthorpe, for a private hire vehicle licence for Tesla X vehicle registration GD70 CTO subject to the conditions set out in paragraph 4.1 of the report;
- (2) that any further applications to licence this particular model and seating configuration be approved at officer level.

Those present were advised that persons who were aggrieved by the decision or the imposition of any term or condition or restriction, had a right of appeal to the Magistrates' Court within 21 days of the date on which they were notified of the decision.

(The meeting concluded at 10.30am)

Chairman