

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

Date & Time:

Tuesday 21 February 2023 at 9.30am

Place:

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

Contact:

Jessica Hammond tel (01508) 505298

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 16 February 2023**.

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 13 December 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 7.

The procedure to be followed for agenda item 7 below is attached – page 9.

Please note that some of the documents contained within the reports at items 6 and 7 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 OPERATOR AND DRIVER LICENSING - to consider an application to renew a Private Hire Vehicle Licence; (report attached – page 11)
7. (10.30am) 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 21)
8. To confirm the exempt minutes of the meeting held on 13 December 2022
(minutes attached – page 31)

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 Tuesday 13 December 2022 at 10:00 am.

Committee Members Present: Councillors: D King (Chairman), Cllr K G Leggett and Cllr N Harpley

Officers in Attendance: The Licensing Team Leader (Sarah Harris) and the Democratic Services Officer (Dawn Matthews)

Others in Attendance: Sarah Moss – Solicitor NPLaw (the Committee's legal advisor)

The license holder and his wife in respect of the case at minute no: 22 below

18 DECLARATIONS OF INTEREST

None made.

19 APOLOGIES FOR ABSENCE

None received.

20 MINUTES

The non-exempt minutes of the two meetings held on 23 November 2022 were confirmed as a correct record.

21 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.

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

The Committee considered matters involving a private hire vehicle driver 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 six months and issue a written warning.

23 MINUTES

The exempt minutes of the meeting held on 23 September 2022 were confirmed as a correct record and signed by the Chairman.

(The meeting concluded at 11.30am)

Chairman

QUASI-JUDICIAL PROCEDURE RULES

Applications for a private hire vehicle driver's licence

The committee comprises three district councillors. At least three members of the committee 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 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 applicant or his representative;
 - (2) the council's legal representative;
 - (3) the representatives of statutory consultees (eg police, general practitioner) and
 - (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.

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.
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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 11 to 35 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