

Broadland Licensing and Regulatory Committee

Agenda

Members of the Broadland Licensing and Regulatory Committee

Cllr David King (Chairman)
Cllr Jan Davis
Cllr Natasha Harpley

Date & Time:

Tuesday, 7 March 2023 at 9.30 am

Place:

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

Contact:

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Public Attendance:

If a member of the public would like to attend to speak on an agenda item, please email your request to committee.bdc@southnorfolkandbroadland.gov.uk, no later than 5.00pm Thursday, 2 March 2023.

AGENDA

1. **Apologies for absence**
To report apologies for absence and to identify substitute members.
2. **Minutes** (Pages 3 - 4)
To confirm the minutes from the meeting of the Licensing and Regulatory Committee held on 21 February 2023.
3. **Matters arising from the minutes**
4. **Exclusion of the Press and Public**
To consider whether to pass a resolution under section 100A of the Local Government Act 1972 to exclude the Press and Public from the meeting for the following items of business on the grounds that the consideration of the items is likely to involve the disclosure of exempt information as defined in Paragraphs XX of Part I of Schedule 12A of the Act.

Procedure (Pages 5 - 6)

The procedure to be followed for agenda item 6 below is attached

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

5. **(9.30am) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PRIVATE HIRE VEHICLE OPERATOR AND DRIVER LICENSING - to consider matters involving a Private Hire Vehicle Driver;** (Pages 7 - 16)
6. **Exempt Minutes** (Pages 17 - 20)
To confirm the exempt minutes of the meeting held on 21 February 2023.



BROADLAND LICENSING AND REGULATORY COMMITTEE

Minutes of a meeting of the Broadland Licensing and Regulatory Committee of Broadland District Council, held on Tuesday, 21 February 2023 at 9.31 am.

Committee Members Present: Councillors: D King (Chairman), J Davis and N Harpley

Officers in Attendance: S Harris (Licensing Team Leader), C Norman (Licensing and Enforcement Officer) and J Hammond (Democratic Services Officer)

Also in Attendance: Luke Parker (Solicitor NPLaw (the Committee's Legal Advisor))

24. DECLARATIONS OF INTEREST

No declarations of interest were received.

25. APOLOGIES FOR ABSENCE

No apologies for absence were received.

26. MINUTES

The non-exempt minutes of the meeting held on 13 December 2022 were confirmed as a correct record.

27. MATTERS ARISING FROM THE MINUTES

No matters were discussed.

28. 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.

**29. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
PRIVATE HIRE VEHICLE OPERATOR AND DRIVER LICENSING - TO
CONSIDER AN APPLICATION TO RENEW A PRIVATE HIRE VEHICLE
LICENCE**

The Committee considered the application to renew 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 period of three years but attach a written warning as to future conduct, with a 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 and a further warning that the driver must inform the Licensing Team of any arrests, convictions, cautions and motoring offences in accordance with the Broadland District Council Hackney Carriage and Private Hire Vehicle Policy and Conditions 2022.

**30. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
PRIVATE HIRE VEHICLE OPERATOR AND DRIVER LICENSING - TO
CONSIDER MATTERS INVOLVING A PRIVATE HIRE VEHICLE DRIVER**

The Committee noted that this application needed to be rescheduled as the applicant was unable to attend the meeting for personal reasons.

31. EXEMPT MINUTES

The exempt minutes of the meeting held on 13 December 2022 were confirmed as a correct record.

(The meeting concluded at 10.32 am)

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.
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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.

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