

Broadland Licensing and Regulatory Committee

Agenda

Members of the Broadland Licensing and Regulatory Committee

Cllr Sue Catchpole (Chairman)
Cllr Jo Coplestone
Cllr Shelagh Gurney

Cllr Fraser Bowe (Reserve)

Date & Time:

Thursday, 1 August 2024 at 11.00 am, or on the rising of the full Licensing and regulatory
Committee meeting (beginning 10am).

Place:

Lower Yare - Horizon Centre, Peachman Way, Norwich, NR7 0WF

Contact:

Lucy Palmer, tel 01603 430643
Email: committee.bdc@southnorfolkandbroadland.gov.uk
Website: www.southnorfolkandbroadland.gov.uk

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
Monday, 29 July 2024.

AGENDA

1. **Declarations of interest** (Pages 3 - 5)
To receive declarations of interest from Members (guidance attached).
2. **Apologies for absence**
To report apologies for absence and to identify substitute members.
3. **Minutes** (Pages 6 - 7)
To confirm the minutes from the meeting of the Licensing and Regulatory Committee held on 19 April 2024, and consider any matters arising.
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 1, 3 and 7 of Part I of Schedule 12A of the Act.

Procedure (Pages 8 - 9)

The procedure (existing licence holder) to be followed for agenda item 5 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. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PRIVATE HIRE VEHICLE OPERATOR AND DRIVER LICENSING - to consider matters involving a Private Hire Vehicle Driver;** (Pages 10 - 21)

Interests Flowchart

The flowchart below gives a simple guide to declaring an interest under the code.

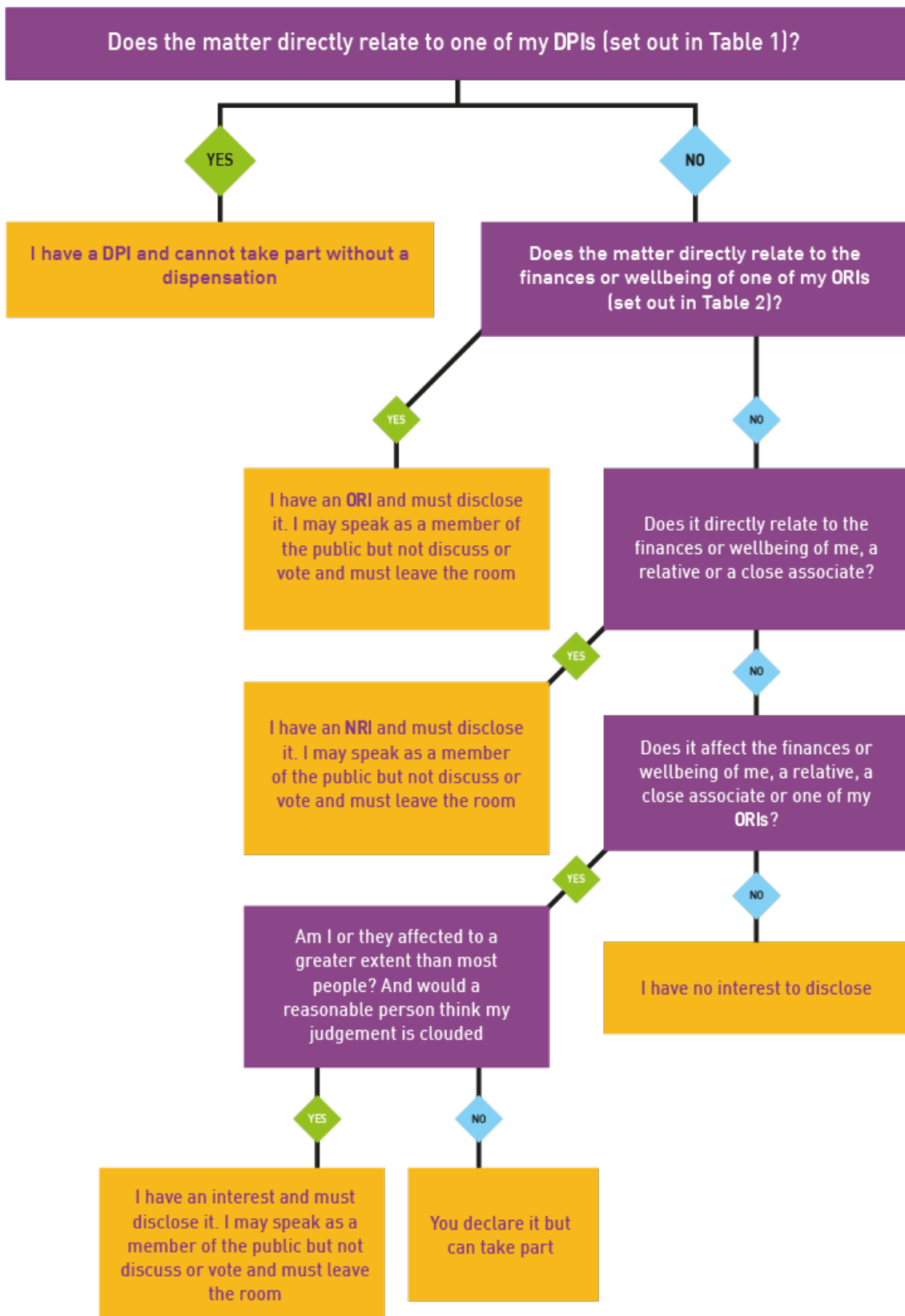


Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the

[Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012.](#)

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

<p>You must register as an Other Registrable Interest :</p> <ul style="list-style-type: none"> a) any unpaid directorships b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management
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Agenda Item 3



BROADLAND LICENSING AND REGULATORY COMMITTEE

Minutes of a meeting of the Broadland Licensing and Regulatory Committee of Broadland District Council, held on Friday, 19 April 2024 at 10.14 am.

Committee Members Present: Councillors: B Baby (Vice-Chair), N Brennan and J Copplestone

Officers in Attendance: C Norman (Licensing and Enforcement Officer), J Wright (Assistant Licensing Officer), R Newman (Trainee Solicitor NPLaw - the Committee's Legal Advisor) and J Hammond (Democratic Services Officer)

Also in Attendance: Councillor: A Miah (Reserve)
The licence holder and his operator were also in attendance for Minute no 30

26. DECLARATIONS OF INTEREST

No declarations of interest were received.

27. APOLOGIES FOR ABSENCE

No apologies for absence were received.

28. MINUTES

The minutes of the meeting held on 9 February 2024 were confirmed as a correct record.

29. EXCLUSION OF THE PRESS AND PUBLIC

The Committee passed 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 1, 3 and 7 of Part I of Schedule 12A of the Act.

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

(The Driver 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 her report and drew attention to the key areas for member consideration.

The Driver referred to the offences that had occurred and apologised for the breach in the licensing conditions. He responded to a number of questions from both members and the Legal Advisor.

The Driver and the Licensing and Enforcement Officer then left the meeting at 10:41am whilst members determined the application. They were then readmitted to the meeting at 11:08am and the Legal Advisor announced the decision.

It was,

RESOLVED

That the private hire driver licence be revoked in accordance with section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

The Committee further determined that it was necessary on the grounds of public safety for the revocation to take effect immediately and directed accordingly in accordance with section 61(2A) of the Local Government (Miscellaneous Provisions) Act 1976.

RIGHT OF APPEAL

The driver was advised that they had a right of appeal to the Magistrates' Court within 21 days of receipt of the written notification of the decision.

(The meeting concluded at 11.10 am)

Chairman

Agenda Annex

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.

Agenda Item 5

Document is Restricted