



Notice of Meeting of

REGULATORY SUB-COMMITTEE

Monday, 2 September 2024 at 10.00 am

**Main Committee Room, Council Offices,
Brympton Way, Yeovil, BA20 2HT**

To: The members of the Regulatory Sub-Committee

Councillor Simon Carswell
Councillor Tony Lock

Councillor Simon Coles

This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

Issued by David Clark (the Proper Officer) on Wednesday, 21 August 2024

AGENDA

Regulatory Sub-Committee - 10.00 am Monday, 2 September 2024

Public Guidance Notes contained in Agenda Annexe (Pages 5 - 6)

1 Appointment of Chair for the Sub-Committee

2 Apologies for Absence

3 Declarations of Interest

To receive and note any declarations of interests in respect of any matters included on the agenda for consideration at this meeting.

(The other registrable interests of Councillors of Somerset Council, arising from membership of City, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes: [City, Town & Parish Twin Hatters - Somerset Councillors 2023](#))

4 Minutes of the Sub-Committee

To authorise the Chair of the meeting to agree the accuracy and sign the minutes as a correct record following circulation to the members of the Sub-Committee.

5 Procedure to be followed when considering Licensing of Hackney Carriage Private Hire Drivers, Vehicles, Operators and related enforcement (Pages 7 - 10)

Exclusion of the Press and Public

To consider passing a resolution having been duly proposed and seconded under Schedule 12A of the Local Government Act 1972 to exclude the press and public from the meeting, on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A to the Local Government Act 1972:

Reason: Information relating to an individual.

6 Consideration of a Hackney Carriage and Private Hire Driver's Licence (Pages 11 - 28)

Guidance notes for the meeting

Council Public Meetings

Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at

democraticservicesteam@somerset.gov.uk or telephone 01823 357628.

They can also be accessed via the council's website on Committee structure - Modern Council (somerset.gov.uk)

Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: Code of Conduct

Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes. At each meeting of a Sub-Committee there will be an item on the agenda to authorise the Chair of the meeting to agree the accuracy and sign the minutes as a correct record.

Exclusion of Press & Public

If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 1(S)(S)A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed.

Recording of meetings

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public - providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings. No filming or recording may take place when the press and public are excluded for that part of the meeting.

Procedure to be followed when considering Licensing of Hackney Carriage Private Hire Drivers, Vehicles, Operators and related enforcement

Procedure at the hearing

1. The Chair will open the Hearing and introduce the Sub-Committee and Officers. They will then ask each Party to introduce themselves.
2. The Chair will confirm that if a Party is not present their representation / application will be read and taken into account in reaching the decision.
3. The Chair will address any registerable interest arising under the Code of Conduct.
4. The Chair will consider any submitted requests from a Party for permission for another person to appear at the Hearing. If necessary, the Sub-Committee will retire to deliberate before making a decision.
5. The Chair will confirm that the Hearing will take the form of a round-the-table discussion led by the Sub-Committee in accordance with this procedure. If all Parties present confirm that they have seen and understood the procedure to be followed at the Hearing and agree that they are ready to proceed then the Hearing shall commence.
6. The Chair will remind everyone that the purpose of the Hearing should be borne in mind at all times i.e. To enable those with a right to appear, to amplify their written application or representation. It is also to assist the Sub-Committee to gather evidence and understand the relevant issues.
7. The Chair will confirm what advance papers have been received and that these have been read.
8. The Chair will make clear that all Parties should only address the Sub-Committee in relation to matters they have raised in their application / representation. Any Party wishing to submit late evidence at the Hearing will only be able to do so with the consent of all Parties present and with the consent of the Sub-Committee.
9. The Chair will confirm whether all Parties have seen and understood the procedure to be followed and are ready to proceed with the Hearing.
10. The Chair will ask the Applicant whether they wish to make any amendments to their application with a view to addressing any issues raised by representations.
11. Order of Oral Presentation
 - (a) The Licensing Officer will present their report outlining the details of the application/notice/representations received.
 - (b) Any Party may question the Licensing Officer.

- (c) The Members may question the Licensing Officer.
- (d) The Applicant/Licence Holder will present their case and call any witnesses.
- (e) Any Party may question the Applicant/Licence Holder and any witnesses.
- (f) Members may question the Applicant/Licence Holder and any witnesses.
- (g) Responsible Authorities will present their case and call any witnesses.
- (h) Any Party may question the Responsible Authorities and any witnesses.
- (i) Members may question the Responsible Authorities and any witnesses.
- (j) Other Person(s) will present their case in turn and call any witnesses.
- (k) Any Party may question the Other Person(s).
- (l) Members may question the Other Person(s).

The Chair at their discretion, may change the order of oral presentation at any stage, if it is considered to be beneficial to the flow of the hearing.

12. Before moving on to the next Party, the Chair will check there are no further points the current Party wishes to make or any further questions that need to be put to that Party.
13. The Licensing Officer may present any further information such as proposed nonmandatory Conditions deriving from the Operating Schedule or suggested by any Party. However, it will remain for the Sub-Committee to determine what conditions will apply, if any, should the application be successful.
14. Each Party will be invited to make closing submissions in the following order –
 - a. Responsible Authorities
 - b. Other Persons
 - c. The Applicant
 - d. Licensing Officer
15. The Chair will then close the Hearing and the Sub-Committee will retire to determine the matter. The Legal Advisor will retire with the Sub-Committee to answer any points of law.
16. The Sub-Committee will come to a decision which will be sent to the Applicant and all other relevant Parties together with the details of the right to appeal.

NOTE: In producing this procedure the following has been considered: -
The relevant legislation and statutory guidance together with local policies and procedures.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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