



**Bassetlaw**  
DISTRICT COUNCIL  
— North Nottinghamshire —

# LICENSING COMMITTEE

## AGENDA

Meeting to be held in the  
Ceres Suite,  
Worksop Town Hall, S80 2AH  
On Wednesday, 15<sup>th</sup> November 2017  
at 6:30pm

**(Please note time and venue)**

**Please turn mobile telephones to silent during meetings.  
In case of emergency, Members/officers can be contacted  
on the Council's mobile telephone: 07940 001 705.**

**In accordance with the Openness of Local Government Bodies Regulations 2014,  
audio/visual recording and photography at Council meetings is permitted  
in accordance with the Council's protocol 'Filming of Public Meetings'.**

# LICENSING COMMITTEE

**Membership** 2017/18

**Councillors** J. R. Anderson, B. A. Bowles, H. M. Brand, G. Clarkson, K. M. Greaves, S. Isard, G. Jones, D. Merryweather, J. Potts, D. R. Pressley, A. Smith and K. Sutton

**Substitute Members:** None

**Quorum:** 3 Members

## **Lead Officer for this Meeting**

Mr. S. Wormald

## **Administrator for this Meeting**

Miss B. Pinkney

## **LICENSING COMMITTEE**

**Wednesday, 15<sup>th</sup> November 2017**

### **AGENDA**

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS (pages 5-6) \*  
(Members' and Officers' attention is drawn to the attached notes and form)
  - (a) Members
  - (b) Officers
3. MINUTES OF THE MEETING HELD ON 20<sup>TH</sup> SEPTEMBER 2017 \* (pages 1-10)
4. MINUTES FOR ACTION \* (page 11)
5. OUTSTANDING MINUTES LIST \* (page 12)

### **SECTION A – ITEMS FOR DISCUSSION IN PUBLIC**

#### **Key Decisions**

None

#### **Other Decisions**

6. REPORT(S) OF THE COUNCIL SOLICITOR \*
  - (a) Taxi Driver Assessments (pages 13-14)
  - (b) Proposed Joint Enforcement Protocol (pages 15-16)

*The press and public are likely to be excluded from the meeting during the consideration of the following items in accordance with Section 100A(4) of the Local Government Act 1972.*

### **SECTION B - ITEMS FOR DISCUSSION IN PRIVATE**

#### **Key Decisions**

None

#### **Other Decisions**

7. REPORT(S) OF THE COUNCIL SOLICITOR \*
  - (a) Application for Exemption From Displaying PHV Plates/Door Signs (pages 17-18)
8. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS TO BE URGENT

\* Report attached

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NOTES:

1. The papers enclosed with this Agenda are available in large print if required.
  2. Copies can be requested by contacting us on 01909-533533 or by e-mail: [Bethany.pinkney@bassetlaw.gov.uk](mailto:Bethany.pinkney@bassetlaw.gov.uk)
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**DECLARATION OF INTEREST**

**COMMITTEE .....**

**DATE .....**

**NAME OF MEMBER : .....**

**Type of Interest**

- 1. Disclosable Pecuniary**
- 2. Non Pecuniary**

Agenda Item No.	REASON *	Type of Interest (1 or 2)
<b>Signed</b>		
<b>Dated</b>		

**Note:**

\* When declaring an interest you must also state the nature of your interest.

Completion of this form is to aid the accurate recording of your interest in the Minutes. The signed form should be provided to the Minuting Clerk at the end of the meeting.

A nil return is not required.

It is still your responsibility to disclose any interests which you may have at the commencement of the meeting and at the commencement of the appropriate Agenda item.

## DECLARATION OF INTERESTS

### **HOW TO USE THIS FORM**

There are now only two types of Declaration of Interest:

Disclosable Pecuniary Interests	)	Details can be found in the Councillors Code of Conduct which is contained in the Council's Constitution (a summary is printed below)
	)	
	)	
Non Pecuniary Interests	)	

Upon receipt of the attached form you will need to enter the name and date of the Committee and your own name. By looking at the Agenda you will no doubt know immediately which Agenda Items will require you to make a Declaration of Interest.

Fill in the Agenda Item number in the first column of the form.

Enter the subject matter and any explanations you may wish to add in the second column.

In the third column you will need to enter **either** if you are declaring a disclosable pecuniary interest, **or** a non pecuniary interest.

The form must then be signed and dated. Please remember that if during the actual meeting you realise that you need to declare an interest on an additional Agenda Item number please simply amend the form during the meeting.

The form must be handed into the Committee Administrator at the end of the meeting.

NB. The following is a summary prepared to assist Members in deciding at the actual meetings their position on INTERESTS it is not a substitute for studying the full explanation regarding INTERESTS, which is contained in the Council's Constitution and the Code of Conduct for Councillors, which is legally binding.

Members and Officers are welcome to seek, PREFERABLY WELL IN ADVANCE of a meeting advice from the Council's Monitoring Officer on INTERESTS.

#### **Disclosable Pecuniary Interests**

May relate to employment, office, trade, profession or vocation carried on for profit or gain  
May relate to sponsorship  
May relate to contracts  
May relate to interests in land  
May relate to licences to occupy land  
May relate to corporate tenancies  
May relate to securities

#### **Action to be Taken**

Must disclose to the meeting  
- existence of the interest  
- the nature of the interest  
- withdraw from the room  
- not seek improperly to influence a decision on the matter

#### **Non Pecuniary Interests**

May relate to any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council  
May relate to any person from whom you have received a gift or hospitality with an estimated value of at least £25  
A Member may also have a non pecuniary interest where a decision in relation to that business might reasonably be regarded as affecting wellbeing or the wellbeing of other council tax payers, or ratepayers or inhabitants in the electoral division or ward, as the case may be, affected by the decision.

#### **Action to be Taken**

Must disclose to the meeting  
- existence of the interest  
- the nature of the interest  
- not seek improperly to influence a decision on the matter.

(Note – there are special provisions relating to “Sensitive Interests” which may exclude the above provisions in certain circumstances.)

## LICENSING COMMITTEE

### Minutes of the meeting held on Wednesday, 20<sup>th</sup> September 2017 at Retford Town Hall

**Present:** Councillor J Potts (Chair)  
Councillors B A Bowles, K M Greaves, S Isard, G Jones, D Merryweather,  
D R Pressley, A Smith and K Sutton.

Officers in attendance: C Hopkinson, W Nuttall, A Webster and S Wormald.

(Meeting opened at 6.30pm.)

(The Chair welcomed all to the meeting and read out the Fire Alarm/Evacuation Procedure. She also enquired as to whether any member of the public wished to film/record the meeting or any part thereof; however, although the applicant was present, this was not taken up).

#### 19. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J R Anderson, H M Brand and G Clarkson.

#### 20. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

##### (a) Members

There were no Declarations of Interest by members.

##### (b) Officers

There were no Declarations of Interest by officers.

#### 21. MINUTES OF THE MEETING HELD ON 26<sup>TH</sup> JULY 2017

**RESOLVED** that the Minutes of the meeting held on 26<sup>th</sup> July 2017 be approved.

#### 22. MINUTES FOR ACTION

The Council Solicitor informed Members that all items except Minute No. 17(a) had been implemented. The deferred application, minute No. 17(a), is on the Agenda.

**RESOLVED** that the Minutes for Action be received.

#### 23. OUTSTANDING MINUTES LIST

The Council Solicitor informed Members that a report in relation to DVSA Taxi Driver Assessments would be presented to the next meeting of the Committee.

**RESOLVED** that the Outstanding Minutes List be received.

## SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

## **Key Decisions**

None.

## **Other Decisions**

### **24. REPORT(S) OF THE COUNCIL SOLICITOR**

#### **(a) Regulation of Performances of Hypnotism – Delegation to Officer**

Members were advised that the report sought delegated authority for officers to authorise or reject applications regarding hypnotism, as a means of entertainment. Where an appeal is lodged against a decision to refuse authorisation for staging hypnotism it is proposed that a Licensing Panel is set up to review the decision.

The Licensing Department has been contacted by the Majestic Theatre, Retford, who are proposing to hold hypnotism for entertainment purposes. Having being contacted by the Theatre it was noted that the Council's current constitution does not contain a relevant delegation to Officers to determine an application.

In response to questions raised Members were advised that hypnotists are regulated by the Federation of Ethical Stage Hypnotists.

**RESOLVED** that:

1. The Council Solicitor and Principal Solicitor (Licensing & Regulatory) be given delegated authority to authorise or reject applications regarding hypnotism, as a means of entertainment, and the Council's constitution be amended to reflect this.
2. Where an appeal is lodged against a decision to refuse an authorisation for staging hypnotism, a Licensing Panel be set up to review the decision, and the Council's constitution be amended to reflect this.

### **25. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RESOLVED** that, in accordance with Part 1 of Schedule 12A of the Local Government Act 1972, and after considering the public interest test as set out by the officer in the body of the report, Members agreed that the following items of business involved the likely disclosure of exempt information as defined in Paragraph 1, and therefore, in accordance with Section 100A of the Act, the press and public be excluded from the meeting:

Agenda Item No. 7(a) – Application for combined Hackney Carriage/Private Hire Driver's Licence (Deferred Application) – Paragraph 1.

Agenda Item No. 7(b) – Application for combined Hackney Carriage/Private Hire Drivers Licence (Deferred Application) – Paragraph 1.

## **SECTION B – ITEMS FOR DISCUSSION IN PRIVATE**

### **Key Decisions**

None.

### **Other Decisions**

### **26. REPORT(S) OF THE PRINCIPAL SOLICITOR (LICENSING AND REGULATORY)**



(a) Application for combined Hackney Carriage/Private Hire Drivers Licence (Deferred Application)

Members were asked to consider and determine the application for a 3 year combined Hackney Carriage/Private Hire Driver's Licence.

The applicant was present. Members had requested further evidence from the applicant at the previous meeting and this had been provided and circulated to Members.

**RESOLVED** that the applicant be granted a three-year Combined Hackney Carriage/Private Hire Driver's Licence.

(b) Application for combined Hackney Carriage/Private Hire Drivers Licence (Deferred Application)

Members were asked to consider and determine the application for a 3 year combined Hackney Carriage/Private Hire Driver's Licence.

The applicant was present and answered member's questions in support of the application.

**RESOLVED** that the applicant be granted a three-year Combined Hackney Carriage/Private Hire Driver's Licence.

27. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT.

As there was no other urgent business to be discussed, the Chair closed the meeting.

(Meeting closed at 7.30pm.)



**MINUTES FOR ACTION AND IMPLEMENTATION SHEET**

**LICENSING COMMITTEE**

**20/09/17**

FROM: Electoral and Democratic Services  
Officer

TO: CS = Council Solicitor

The following decisions are brought to your attention for action by the appropriate officers within your Service:

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**24. REPORT(S) OF THE COUNCIL SOLICITOR**

(a) **Regulation of Performances of Hypnotism – Delegation to Officer**

**RESOLVED** that:

1. The Council Solicitor and Principal Solicitor (Licensing & Regulatory) be given delegated authority to authorise or reject applications regarding hypnotism, as a means of entertainment, and the Council's constitution be amended to reflect this.
2. Where an appeal is lodged against a decision to refuse an authorisation for staging hypnotism, a Licensing Panel be set up to review the decision, and the Council's constitution be amended to reflect this.

**CS**

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**26. REPORT(S) OF THE PRINCIPAL SOLICITOR (LICENSING AND REGULATORY)**

(a) **Application for combined Hackney Carriage/Private Hire Drivers Licence (Deferred Application)**

**RESOLVED** that the applicant be granted a three-year Combined Hackney Carriage/Private Hire Driver's Licence.

**CS**

(b) **Application for combined Hackney Carriage/Private Hire Drivers Licence (Deferred Application)**

**RESOLVED** that the applicant be granted a three-year Combined Hackney Carriage/Private Hire Driver's Licence.

**CS**



**LICENSING COMMITTEE**

**WEDNESDAY, 15<sup>th</sup> NOVEMBER 2017**

**OUTSTANDING MINUTES LIST**

Members please note that the updated positions are shown in bold type following each item:

(PS(LR) = Principal Solicitor (Licensing & Regulatory), CS – Council Solicitor)

<b><u>Min No</u></b>	<b><u>Date</u></b>	<b><u>Subject</u></b>	<b><u>Decision</u></b>	<b><u>Officer Responsible</u></b>
35(b)	4.11.15	Roadside Catering Policy	(3)A report be presented to a future meeting of the Licensing Committee upon the completion of the consultation, with a proposed policy and fees for Members' consideration.  <b>Report to be presented to a future meeting in 2017</b>	PS(LR) / CS
6(a)	15.6.16	Review of Proposed Hackney Carriage Fare Increase	(7)The Principal Solicitor (Licensing and Regulatory) investigate options for a two-tier system of charging for multi-seat vehicles and a report be brought back to a future meeting of Licensing Committee.  <b>Report to be presented to a future meeting</b>	PS(LR) / CS
36(c)	9.11.16	DVSA Taxi Driver Assessments	(4)A review of the service be undertaken after 12 months and presented to a future meeting of the Licensing Committee to obtain approval for continuation of the service, or otherwise as deemed appropriate.	PS(LR) / CS
<b>See Agenda Item No. 6(a)</b>				



**BASSETLAW DISTRICT COUNCIL**

**LICENSING COMMITTEE**

**15 NOVEMBER 2017**

**REPORT OF COUNCIL SOLICITOR**

**TAXI DRIVER ASSESSMENTS**

Cabinet Member: Co-operative and  
Corporate Services

Contact: Steve Wormald

**1. Public Interest Test**

- 1.1 The author of this report Steve Wormald has determined that the report is not confidential.

**2. Purpose of the Report**

- 2.1 Following review, to consider how to provide a practical taxi driver assessment. Personnel Checks have administered the practical taxi driver assessment on behalf of the Council for the past 12 months and the report recommends that the arrangement should continue.

**3. Background and Discussion**

- 3.1 Members will recall that in early September 2016 the Council received a letter from the DVSA informing it that they would withdraw the provision of the Taxi Assessment (the practical driving test) from 31 December 2016.
- 3.2 Members will also note that on 14 January 2015 they had resolved to make it a mandatory requirement of the application process (for a Combined Hackney Carriage/Private Hire Vehicle Drivers Licence) that a DVSA Taxi Driver Assessment Pass Certificate must be produced to the Licensing Department to support a new application for a licence.
- 3.3 Following notification the Council investigated alternatives to the DVSA providing the assessment. This included contacting a number of Charities (the Blue Lamp Trust) and independent driving instructors. The issues which were highlighted here were the majority of these providers were not located in the Nottinghamshire area, meaning that applicants would have to travel some distance to take the assessment. Enquiries were made about holding local test sessions but, due to the low numbers of candidates taking the assessment, providers were reluctant to commit to a day every

6-8 weeks (to avoid long delays for applicants) as it would not be financially viable for them.

- 3.4 At the Licensing Committee meeting on 9 November 2016 Members were informed that the Licensing Department worked closely with Personnel Checks who carry out Disclosure and Barring Service checks on applicant for Combined Hackney Carriage/Private Hire Vehicle Drivers Licence and Private Hire Vehicle Operators Licences.
- 3.5 Personnel Checks had stated that they would be able to assist in the administering of the practical driving assessments. Advanced Driving Instructors had been contacted by Personnel Checks with a view to them conducting the assessment on behalf of Bassetlaw District Council. The benefit to this system is applicants would make their booking via the Personnel Checks system (telephone) and this would be allocated to an examiner who has capacity to conduct the assessment. Payment would not be made to Bassetlaw District Council.
- 3.6 The instructors who administered the assessment do so to the DVSA standard (DL25).
- 3.7 The cost of the assessment is £90 (inc VAT). The amount charged by the DVSA for Hackney Carriage and Private Hire Saloon Vehicles was £76.66 on a weekday and £96.00 on a weekend.
- 3.8 At the Licensing Committee Meeting on 9 November 2016 Members resolved that Personnel Checks be appointed to administer the practical driving assessments on behalf of the Council. A review of the service was to be undertaken after 12 months and presented to a future meeting of the Licensing Committee to obtain approval for continuation of the service, or otherwise as deemed appropriate.
- 3.9 During the last 12 months Personnel Checks has administered the practical driving assessment on behalf of the Council and there have been no reported problems with service delivery or complaints from applicants in respect of the process. The Council's Principal Solicitor (Licensing & Regulatory) has recently liaised with the Contract Manager at Personnel Checks to review service delivery in the last 12 months. Both report that they are satisfied with the administration of driving tests during that period.

#### **4. Implications**

- a) For service users

The aim of introducing and keeping the requirement for applicants to pass a practice driving assessment ensures that high standards are maintained and the quality and safety of licensed drivers. This should directly benefit service users.

- b) Strategic & Policy

None

- c) Financial - Ref: 18/4061



Applicants will need to meet the full cost of the test themselves. There would be no financial impact on the Council.

d) Legal – Ref: 160/11/2017

Sections 51 and 59 of the Local Government (Miscellaneous provisions) Act 1976 gives local authorities the power to grant licences to drivers of Private Hire Vehicles and Hackney Carriages. Before a local authority grants a driver's licence, it must be satisfied that the applicant is a fit and proper person. The legislation allows licensing authorities some flexibility in determining how to make that judgment. At present new applicants must undergo checks in respect of previous convictions, provide character references and pass a 'knowledge' test. The introduction of the driving assessment would be an additional test which would help to establish an applicant's driving competence.

e) Human Resources

None

f) Community Safety, Equalities, Environmental

None

g) Whether this is a key decision, and if so the reference number.

Not a key decision

**5. Options, Risks and Reasons for Recommendations**

5.1 As previously, there are 3 options available to Members

5.1.1 That members withdraw the requirement for new applicants to undertake a practical driving assessment with immediate effect. Whilst this option is available to members, it is not recommended. Taking this course of action would not assess an applicant's driving standard (fit and proper person to hold a licence)

5.1.2 To research further options for the provision of a practical driving assessment for new applicants for Combined Hackney Carriage/Private Hire Vehicle Driving Licences. However, those options were explored 12 months ago and Officers and Members considered that the appointment of Personnel Checks was the best available option. Personnel Checks has now administered the test for 12-months. This has been reviewed and both parties are satisfied with the administration of driving assessments to date.

5.1.3 To appoint Personnel Checks to continue to administer the Practical Driving Assessments on behalf of Bassetlaw District Council. The person conducting the assessment shall be an Advanced Driving Instructor and shall carry out the assessment to the DL25 standard. Applicants will meet the full cost of the test themselves and this shall be payable directly to Personnel Checks.

**6. Recommendations**

- 6.1 That Members resolve to appoint Personnel Checks to continue to administer the Practical Driving Assessments on behalf of Bassetlaw District Council. The person conducting the assessment shall continue to be an Advanced Driving Instructor and shall carry out the assessment to the DL25 standard. Applicants will meet the full cost of the test themselves and this shall be payable directly to Personnel Checks.

**Background Papers**

**Location**

Local Government (Miscellaneous Provisions) Licensing Department  
Act 1976

**BASSETLAW DISTRICT COUNCIL**

**LICENSING COMMITTEE**

**15<sup>th</sup> NOVEMBER 2017**

**REPORT OF THE COUNCIL SOLICITOR**

**PROPOSED JOINT ENFORCEMENT PROTOCOL**

Cabinet Member: Co-operatives &  
Corporate Services

Contact: Steve Wormald

**1. Public Interest Test**

The author of this report Stephen Wormald has determined that the Report is not confidential.

**2. Purpose of the Report**

To seek authority to enter into a Joint Enforcement Protocol with the other Licensing Authorities in Nottinghamshire. The Protocol will relate to Hackney Carriage and Private Hire Vehicles and Drivers. The Protocol is aimed to allow authorised officers of each Licensing Authority to carry out certain types of enforcement on Vehicles licensed by the other Licensing Authorities.

**3. Background and Discussion**

- 3.1 As members are aware, the Council is responsible for licensing Hackney Carriage and Private Hire Vehicles and Drivers, Private Hire Operators and Hackney Carriage Proprietors in the District. The powers to carry out those licensing functions are contained in the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.

The Council is also responsible for the enforcement of the provisions of those acts in respect of the Drivers, Vehicles, Operators and proprietors that it has licensed. Enforcement is carried out by the Council's "Authorised Officers".

Vehicles licensed by the Council may, however, undertake journeys which begin or end, or travel through, other areas (within the control of other Districts). Likewise, Vehicles from other Districts will undertake journeys in Bassetlaw.

- 3.2 As that is the case, the Nottinghamshire Authorities Licensing Group (NALG) have proposed that it would be expedient for authorised officers of each Licensing Authority to have some enforcement powers in respect of vehicles and drivers licensed by the other Licensing Authorities (who are parties to the protocol).
- 3.3 This would mean that, in practice, an authorised officer of a neighbouring local authority would be able to exercise certain enforcement powers in respect of Bassetlaw District Council licensed vehicles, when those vehicles were in the area of the authorised officer. Likewise, authorised officers of Bassetlaw District Council would be able to exercise enforcement powers in respect of licensed vehicles from neighbouring authorities whilst they are within the Bassetlaw District.
- 3.4 The enforcement powers to which the joint enforcement protocol will apply are as follows;
- Inspection of driver's licence/ badge under s.53(3) Local Government (Miscellaneous provisions) Act 1976 ("the Act").
  - Inspection/ testing of vehicles and suspension of licence where not satisfied as to fitness under s.68 of the Act.
  - Obstruction of the Authorised Officer under s.73 of the Act.
- 3.5 Officers consider that the proposal to enter into a Joint Enforcement Protocol would have a number of benefits, which include; Improved levels of enforcement across the County; a consistent approach to enforcement in the County; Improved levels of customer safety. Potentially, where a licensed vehicle is defective, this could be detected and enforcement action taken in whichever part of Nottinghamshire the vehicle is situated at that time.
- 3.6 The proposal should not, in itself, require the Council's Enforcement Officers to carry out any additional enforcement duties. It would authorise them to take enforcement action, is required, in respect of vehicles from other Nottinghamshire Districts should those vehicles be in Bassetlaw at that time.

#### **4. Implications**

a) For service users – None from this report.

b) Strategic & Policy – None from this report.

c) Financial - Ref: – 18/8623

No financial implications

d) Legal – Ref:– 159/11/2017

Under s.101(1)(b) of the Local Government Act 1972 the Council may arrange for the discharge of any of its functions by any other local authority.

e) Human Resources – None from this report.

f) Community Safety, Equalities, Environmental

- g) Whether this is a key decision, and if so the reference number - No.

**5. Options, Risks and Reasons for Recommendations**

5.1 Members have the following options:

- 5.1.1 To agree to enter into a Joint Enforcement Protocol with the other Licensing Authorities in Nottinghamshire.  
5.1.2 Not to agree to enter into the Joint Enforcement Protocol.

**6. Recommendations**

- 6.1 To enter into a Joint Enforcement Protocol with other Licensing Authorities in Nottinghamshire.  
6.2 To delegate authority to the Council Solicitor to agree and sign the form of resolution required to enter into the Joint Enforcement Protocol.

**Background Papers:**

**Location:**

