



**Bassetlaw**  
DISTRICT COUNCIL  
— North Nottinghamshire —

# LICENSING COMMITTEE

## AGENDA

Meeting to be held in the  
Ceres Suite,  
Worksop Town Hall, S80 2AH  
on Wednesday, 16<sup>th</sup> March 2016  
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: 07702 670209.**

**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** 2015/16

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

**Substitute Members:** None

**Quorum:** 3 Members

## **Lead Officer for this Meeting**

Mrs. S. Bacon - Ext. 3279

## **Administrator for this Meeting**

Mrs. J. A. Hamilton - Ext. 3146

## **LICENSING COMMITTEE**

**Wednesday, 16<sup>th</sup> March 2016**

### **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> JANUARY 2016 \* (pages 7-12)
4. MINUTES FOR ACTION \* (pages 13-14)
5. OUTSTANDING MINUTES LIST \* (page 15)

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

#### **Key Decisions**

None

#### **Other Decisions**

6. REPORT(S) OF THE PRINCIPAL SOLICITOR (LICENSING AND REGULATORY) \*
  - (a) Assistance Dogs (pages 17-25)
  - (b) Best Bar None – Update (pages 27-28)
  - (c) Safeguarding Training (pages 29-31)

*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 PRINCIPAL SOLICITOR (LICENSING AND REGULATORY) \*
  - (a) Update on Recommendations for Review of Policy (pages 33-40)
  - (b) Grant of a Combined Hackney Carriage/Private Hire Driver's Licence (pages 41-81)
8. ANY OTHER BUSINESS WHICH THE CHAIR 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 01909-533146 or by e-mail: [julie.hamilton@bassetlaw.gov.uk](mailto:julie.hamilton@bassetlaw.gov.uk)
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## 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> January 2016 at Retford Town Hall**

**Present:** Councillor J Potts (Chair)  
Councillors B A Bowles, H M Brand, G Clarkson, K M Greaves, S Isard, G Jones,  
D Merryweather, D Potts, K Sutton and C Troop.

Officers in attendance: S Aston, S Bacon, L Dore and K France.

(Meeting opened at 6.32pm.)

(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 there were eleven members of the public present, this was not taken up).

**37. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor J R Anderson.

**38. 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.

**39. MINUTES OF THE MEETING HELD ON 4<sup>TH</sup> NOVEMBER 2015**

**RESOLVED** that the Minutes of the meeting held on 4<sup>th</sup> November 2015 be approved.

**40. MINUTES FOR ACTION**

With reference to the Roadside Catering Policy the Committee was advised that work had commenced and was on-going. Site visits needed to take place. The changes will take time as it is a large task to undertake.

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

**41. OUTSTANDING MINUTES LIST**

With reference to Minute 26(e) CCTV in Hackney Carriage/Private Hire Vehicles, the Committee was reminded that any decision had been deferred to September 2016.

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

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

### **Key Decisions**

None.

### **Other Decisions**

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

##### **(a) Fees and Charges for Licences 2016/17**

Members were presented with a report which asked them to consider the proposed increase to the present level of fees and charges for Licences for the financial year 2016/17. A review is undertaken by the Committee on an annual basis in accordance with Council policy and while Cabinet approved an increase in fees and charges at its meeting on 1<sup>st</sup> December 2015, those relating to Licences were only approved subject to the approval by the Licensing Committee.

The Fees and Charges 2016/17 report which was presented to Cabinet was appended to the report along with a list of licence fees under the responsibility of the Licensing Committee. The Appendix detailed fees and charges for 2014/15, 2015/16 and proposals for 2016/17. The Committee was advised that in future, income will be allocated a specific financial code for ease of reference and this will assist in assessing if the fees charged are appropriate for the amount of officer time spent administering each licence.

**RESOLVED** that the fees and charges for Licences for 2016/17 as set out in Appendix C of the report be approved.

##### **(b) Revised Gambling Act Statement of Principles**

Members were presented with a report which sought approval to amend the Council's Gambling Act Statement of Principles following statutory consultation. The Statement of Principles is valid for a maximum of three years although it can be reviewed by the authority at any time. The previous statutory three year period began in January 2013 so consequently the authority must review, adopt and publish a new Statement by 31<sup>st</sup> January 2016.

Section 349 of the Gambling Act 2005 requires the licensing authority to consult widely on a revision to its Statement. This includes a number of statutory consultees which are set out in the Gambling Act.

Members of the Committee approved the Draft Statement for the purpose of consultation at its meeting on 16<sup>th</sup> September 2015. The Statement was then circulated to consultees with the consultation ending on 30<sup>th</sup> November 2015.

The Committee was advised only one response had been received and this was from a solicitors on behalf of The Association of British Bookmakers. A copy of the response letter was appended to the report. The Principal Solicitor (Licensing and Regulatory) had consulted with other Nottinghamshire authorities in relation to the points raised, in the letter, concerning advertising and new applications for licensing premises close to sensitive areas or developments. It was considered no changes needed to be made. The revised Gambling Act Statement of Principles was appended to the report.

**RESOLVED** that the Council's revised Gambling Act Statement of Principles 2016-19 be approved.



(c) Safeguarding Training for Hackney Carriage / Private Hire Drivers

Members were presented with a report to consider whether or not the Council should introduce mandatory safeguarding training and an assessment as part of the criteria for verifying that applicants are fit and proper persons to hold a Hackney Carriage/ Private Hire Vehicle driver's licence.

Following many recent press reports relating to child sexual exploitation and vulnerability issues it has been proposed that councils offer mandatory training to Hackney Carriage / Private Hire vehicle drivers to ensure they not only have an understanding of the issues, but are also able to act as the eyes and ears of the community to assist in prevention of such issues. Reports on issues in nearby Rotherham indicated that licenced vehicles played a prominent role which subsequently resulted in a significant impact on public confidence in the drivers. Members were advised on the importance of public confidence being restored so that drivers are seen as part of the solution and not the problem.

Licensing authorities in Nottinghamshire, in conjunction with the Nottinghamshire Safekeeping Board and Nottinghamshire Police, have developed a short training programme specifically for licenced Hackney Carriage / Private Hire drivers. Drivers will be able to book into any of the sessions run by the following district councils: Bassetlaw, Newark and Sherwood, Broxtowe, Mansfield, Rushcliffe and Ashfield. All drivers/applicants will have to undertake and pass a test to confirm their understanding of the issues and how to address them. It is proposed that all drivers will have completed and passed the course either when their licence is due for renewal or as part of the application for new applicants.

The Committee was advised that most licences issued by the Council are valid for three years therefore it will take three years before all drivers have undertaken their training. If drivers/applicants fail the test they are able to re-sit twice (meaning they have sat the assessment 3 times in total) in an attempt to pass. If they are unable to pass in three attempts they will have to wait twelve months before applying again. It is proposed the Licensing Department issues a certificate to drivers after they have successfully passed the training assessment and that the Department only accepts certificates that are dated six months from the date it was granted.

Members were advised the proposed fee to be charged for each Safeguarding Training Session/Assessment undertaken by a driver is a maximum of £45. Details of other costs and requirements for current and new driver applications were detailed in the report.

In response to queries the Committee raised they were advised: the drivers have to pay each time they undertake the training session and assessment. While on-line training is an option, face-to-face training is preferred as it can be verified who has sat the assessment; if members wanted to explore online options there would be an additional cost in setting up a service with a provider , enquiries could be made the company who are providing the Council with the online DBS checks; the training and assessment is not due for current drivers until their badge is due for renewal; Members can attend any of the training sessions across the county to observe (dates to be confirmed); anyone with learning difficulties can have assistance with reading the test questions; the police are currently offering their training services free of charge to keep costs to a minimum; £45 is the maximum fee for the training session and assessment - it could be less than this.

**RESOLVED** that:

1. Applicants/renewals for Hackney Carriage / Private Hire Vehicle driver's licence shall be required to undertake a mandatory safeguarding training and assessment once the training is available in the Nottinghamshire District. This is to ensure that applicants are

fit and proper persons to hold a Hackney Carriage / Private Hire Vehicles driver's licence.

2. Applicants/drivers who fail the assessment part of the training 3 times will have to wait 12 months before re-attempting the training
3. Applicants/drivers will produce to the Licensing Department, with their application confirmation, that they have passed the Nottinghamshire Safeguarding Training Assessment in the past 6 months.
4. Applicants will only be able to undertake the training and assessment at a course offered by one of the following organisations:
  - 6.1.4.1 Bassetlaw District Council
  - 6.1.4.2 Newark and Sherwood District Council
  - 6.1.4.3 Broxtowe District Council
  - 6.1.4.4 Rushcliffe District Council
  - 6.1.4.5 Ashfield District Council
  - 6.1.4.6 Mansfield District Council
5. For drivers who are going through the renewal/application process at the time the training becomes available it shall become a condition of their licence to complete the training within a period of 3 month from the date of grant. If the drivers fail to complete the training in this period the Principal Solicitor is given delegated authority to suspend their licence until the training and assessment are completed (the assessment has to be passed).
6. The Principal Solicitor (Licensing and Regulatory) is given delegated authority by the Committee to set the costs for the training and assessment to a maximum of £45

(d) Tacit Consent Policy for Licensing

Members were informed of the changes which need to be implemented in relation to the Provision of Serviced Regulations 2009 (S.I 2009 No 2999) concerning tacit consent. Tacit consent was introduced under the EU Services Directive (2006/123/EC) with the aim (in relation to Licensing) to ensure process meets requirements relating to clarity, timescales and other matters. The Directive was introduced into UK legislation by the Provision of Serviced Regulations 2009 and the relevant part for Licensing Regimes is Part 3 which deals with "authorisation schemes".

Regulation 19 has been considered by the Principal Solicitor (Licensing and Regulatory) in reference to the processing of licence applications as this is where the principle of tacit consent derives from. It states that the licensing application process must ensure that applications are processed "as quickly as possible and, in any event, within a reasonable period running from the time when all the documentation has been submitted".

A list of all the types of licenced/consents issued by the Licensing Department was included in the report. The Committee was asked to implement the proposed Tacit Consent Policy appended to the report, to ensure that the Licensing Department are compliant with Regulation 19 of the Provision of Service Regulations 2009.

In response to queries the Committee was advised: the 40 day clock for processing an application commences when all documentation including the fee has been accepted by the Licensing Department; Botox treatment is dealt with under Environmental Health registration; there is no annual fee or check for establishments providing tattoos or acupuncture; there is no data available on the number of applications that have not been dealt with within 40 days.

**RESOLVED** that the Tacit Consent Policy, for the Council's Licensing Department dated January 2016 be implemented with immediate effect.

(e) Licensing Act 2003 – Suspension of Premises Licences / Club Premises Certificates for Non-Payment of Annual Fees 2015

Members were presented with a report which provided an update on the number of premises licenses which have been suspended for non-payment of annual fees.

Prior to the amendment of the Licensing Act 2003 by the Police Reform and Social responsibility Act 2012, non-payment of the annual fee was only recoverable as a civil debt and the premises licence or club premises could legitimately continue to trade. Following the amendment to the Act, the Licensing Authority is able to suspend the licences and certificates of licence holders until the debt is paid. Once the fee is paid, the licence is automatically reinstated.

The report advised that the Licensing Authority sent out a total of 346 invoices in October 2015 for which annual fees were due for payment on 24<sup>th</sup> November 2015. On 30 November 2015, letters were sent to those licence holders who had failed to make payment informing them that their licence would be suspended if payment was not received by 7 December 2015. On 14 December 2015, a letter was sent to those licence holders who had failed to make payment and advised that, in accordance with S55A and S92A of the Licensing Act 2003, their premises licence was now suspended and no licensable activities were able to take place until the fee was paid in full. The letter also reminded that it was an offence to undertake licensable activities while their licence was suspended and advised the penalties which could be incurred.

Of the 346 invoices issued, 62 were not paid so these licences were suspended. Some of these have been suspended in previous years, e.g. businesses that have closed but do not wish to surrender the licence as if they are sold, payment can be backdated and the licence reinstated. One premise that is operational had failed to pay so Enforcement Officers will be monitoring it to ensure it does not breach its suspension. Three premises surrendered their licences.

The Principal Solicitor (Licensing and Regulatory) praised the work of the Licensing Admin Support Officer and the Enforcement Officer for their work relating to premises licensing.

**RESOLVED** that the report be noted.

43. 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 Paragraphs 1 and 3, and therefore, in accordance with Section 100A of the Act, the press and public be excluded from the meeting:

Agenda Item No. 7(a) – Sherwood Chauffeurs Application for Exemption from Displaying PHV Plates/Door Signs - Paragraph 3.

Agenda Item No. 7(b) – Suspension or Revocation of a Hackney Carriage / Private Hire Driver's Licence and Private Vehicle Operator's Licence Following Conviction - Paragraph 1.

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

**Key Decisions**

None.

## **Other Decisions**

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

#### **(a) Application for Exemption from Displaying PHV Plates/ Door Signs**

Members were asked to consider and determine an application for an exemption under Section 75(3) Local Government (Miscellaneous Provisions) Act 1976 in respect of a PHV licence condition to display private hire vehicle plates and door signs on a new vehicle. The applicant was present at the meeting.

**RESOLVED** that an exemption under Section 75(3) Local Government (Miscellaneous Provisions) Act 1976 in respect of a PHV licence condition to display private hire vehicle plates and door signs on a new vehicle be granted for the duration of the PHV licence.

#### **(b) Suspension or Revocation of a Hackney Carriage / Private Hire Driver's Licence and Private Vehicle Operators Licence Following Conviction**

Members were asked to consider and determine what action to take, if any, against the holder of a combined Hackney Carriage/Private Hire Driver's Licence and a Private Hire Vehicle Operators Licence. The holder of the licences was not present.

**RESOLVED** that both the Hackney Carriage / Private Hire Driver's Licence and Private Vehicle Operators Licence be permanently revoked.

### **45. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT.**

#### **(a) Thanks to Officers**

**RESOLVED** that thanks be recorded to the Principal Solicitor (Licensing and Regulatory) and officers for their excellent work.

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

(Meeting closed at 7.50pm).

**MINUTES FOR ACTION AND IMPLEMENTATION SHEET**

**LICENSING COMMITTEE**

**20/1/16**

FROM: Senior Democratic Services Officer      TO: PS(LR) = Principal Solicitor  
(Licensing & Regulatory)

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

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

(a) **Fees and Charges for Licences 2016/17**

**RESOLVED** that the fees and charges for Licences for 2016/17 as set out in Appendix C of the report be approved..

PS(LR)

(b) **Revised Gambling Act Statement of Principles**

**RESOLVED** that the Council's revised Gambling Act Statement of Principles 2016/19 be approved.

PS(LR)

(c) **Safeguarding Training for hackney Carriage / Private Hire Drivers**

**RESOLVED** that:

1. Applicants/renewals for Hackney Carriage / Private Hire Vehicle driver's licence shall be required to undertake a mandatory safeguarding training and assessment once the training is available in the Nottinghamshire District. This is to ensure that applicants are fit and proper persons to hold a Hackney Carriage / Private Hire Vehicles driver's licence.
2. Applicants/drivers who fail the assessment part of the training 3 times will have to wait 12 months before re-attempting the training
3. Applicants/drivers will produce to the Licensing Department, with their application confirmation, that they have passed the Nottinghamshire Safeguarding Training Assessment in the past 6 months.
4. Applicants will only be able to undertake the training and assessment at a course offered by one of the following organisations:
  - 6.1.4.1 Bassetlaw District Council
  - 6.1.4.2 Newark and Sherwood District Council
  - 6.1.4.3 Broxtowe District Council
  - 6.1.4.4 Rushcliffe District Council
  - 6.1.4.5 Ashfield District Council
  - 6.1.4.6 Mansfield District Council
5. For drivers who are going through the renewal/application process at the time the training becomes available it shall become a condition of their licence to complete the training within a period of 3 month from the date of grant. If the drivers fail to complete the training in this period the Principal Solicitor is given delegated authority to suspend their licence until the training and assessment are completed (the assessment has to be passed).
6. The Principal Solicitor (Licensing and Regulatory) is given delegated authority by the Committee to set the costs for the training and assessment to a maximum of £45

PS(LR)

(d) Tacit Consent Policy for Licensing

**RESOLVED** that the Tacit Consent Policy, for the Council's Licensing Department dated January 2016 be implemented with immediate effect.

PS(LR)

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

(a) Application for Exemption from Displaying PHV Plates/ Door Signs

**RESOLVED** that an exemption under Section 75(3) Local Government (Miscellaneous Provisions) Act 1976 in respect of a PHV licence condition to display private hire vehicle plates and door signs on a new vehicle be granted for the duration of the PHV licence.

(PS(LR))

(b) Suspension or Revocation of a Hackney Carriage / Private Hire Driver's Licence and Private Vehicle Operators Licence Following Conviction

**RESOLVED** that both the Hackney Carriage / Private Hire Driver's Licence and Private Vehicle Operators Licence be permanently revoked.

PS(LR)

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

(a) Thanks to Officers

**RESOLVED** that thanks be recorded to the Principal Solicitor (Licensing and Regulatory) and officers for their excellent work.

PS(LR)

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**LICENSING COMMITTEE**

**WEDNESDAY, 16<sup>TH</sup> MARCH 2016**

**OUTSTANDING MINUTES LIST**

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

(PS(LR) = Principal Solicitor (Licensing & Regulatory))

<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>
26(e)	16.9.15	CCTV in Hackney Carriage/Private Hire Vehicles	(1)Any decision for a requirement to install CCTV in Bassetlaw's Hackney Carriages/Private Hire Vehicles be deferred for 12 months. (2)A further report be presented to a future meeting of the Licensing Committee with information as it emerges.  <b>Report to be presented to a future meeting in 2016</b>	PS(LR)
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 2016</b>	PS(LR)





**BASSETLAW DISTRICT COUNCIL**

**LICENSING COMMITTEE**

**16<sup>th</sup> March 2016**

**REPORT OF PRINCIPAL SOLICITOR (LICENSING AND REGULATORY)**

**ASSISTANCE DOGS**

Cabinet Member: Co-operative and  
Corporate Services  
Contact: Stella Bacon  
Ext: 3279

**1. Public Interest Test**

- 1.1 The author of this report Stella Bacon has determined that the report is not confidential.

**2. Purpose of the Report**

- 2.1 To review the wording of Bassetlaw District Council Combined Hackney Carriage and Private Hire Drivers Licence Conditions ("Drivers Licence Conditions")

**3. Background and Discussion**

- 3.1 At a meeting of the Licensing Committee on 20 January 2016 Cllr Bowles identified that clause 7(4) of the Drivers Licence Conditions refers to a guide dog for the blind and he believed this terminology needed updating to refer to assistance dog. A copy of the Drivers Licence Conditions can be found at **Appendix A** to this report.
- 3.2 Sections 168 to 171 of the Equality Act 2010 deal with the carriage of guide dogs and other assistance dogs in England and Wales. The sections of the act were lifted from the Disability Discrimination Act 1995 which imposed duties on taxi and Private Hire Vehicle drivers and operators to accept guide dogs.
- 3.3 Sections 168 to 171 of the Equality Act 2010, which came into force on 1 October 2010, replace the sections in the Disability Discrimination Act 1995 which were repealed. The change was largely a technical one rather than one with any practical implications.
- 3.4 The wording in the Equality refers to Assistance Dogs to cover the wide variety of assistance duties which the dogs undertake

- 3.5 Assistance dogs carry out a variety of practical tasks for people as well as supporting their owners independence and confidence
- 3.6 Assistance dogs are instantly recognisable by the harness or identifying coat they wear. Every assistance dog user will carry an ID book giving information about the assistance dog and training organisation together with other useful information
- 3.7 The Equality Act 2010 says it is unlawful for a service provider to discriminate against a disabled person in the following ways:
- 3.7.1 **Direct discrimination** – treating a person less favourably than others because of their disability, or because of a perceived disability. For example, offering a service on worse terms.
  - 3.7.2 **Indirect discrimination** – where a neutral policy or rule is applied to everyone but puts those with a disability at a disadvantage.
  - 3.7.3 **Discrimination arising from disability** –discrimination for any reason connected to the person’s disability that is not covered by other forms of discrimination.
  - 3.7.4 **Failure to make reasonable adjustments** – where a physical feature, provision or practice puts a disabled person at a substantial disadvantage the service provider has a duty to take reasonable steps to alter, remove or avoid that disadvantage.
  - 3.7.5 **Harassment** – creating an intimidating, degrading or hostile or offensive environment for a person because of their disability.
  - 3.7.6 **Discrimination by association** – this is when a person who may or may not be disabled is treated less favourably because of their association or connection with a disabled person.
  - 3.7.7 **Victimisation** – when a person, whether disabled or not, is treated less favourably because they have made a complaint about discrimination, or assisted someone else to make a complaint about discrimination; this includes being a witness.
  - 3.7.8 **Discriminatory advertisements** – if a service provider advertises that in offering a service they will treat disabled people less favourably this will amount to direct discrimination. For example, stating that assistance dogs are not welcome on literature or a booking form.
  - 3.7.9 **Positive discrimination** – the law recognises the particular disadvantages that disabled people face and so treating disabled people more favourably than others is permitted.
- 3.8 Refusing to allow access to people with an assistance dogs because other people ‘might’ be allergic to dogs is likely to be unlawful disability discrimination. This is because the Equality Act 2010 states that service providers must make reasonable adjustments to policies for disabled people. This includes amending ‘no dogs’ and ‘no pets’ policies to allow access for assistance dogs. If there is an identifiable person with an allergy to dogs then employers and service providers should take reasonable steps to ensure that person has minimal or no contact with dogs; reasonable steps are unlikely to include banning all assistance dogs.
- 3.9 Section 169 (Hackney Carriages) and Section 171 (Private Hire Vehicles) of Equality Act 2010 mean that Bassetlaw District Council, as the Licensing Authority, must issue a person with a certificate exempting the person from the duties imposed by the Act to carry assistance dogs if we are satisfied that it is appropriate to do so on medical grounds. Bassetlaw District Council has not been approached to issue any exemption certificates.

#### 4. **Implications**

- a) For service users  
To ensure that disabled persons travelling with assistance dogs have access to transportation in Hackney Carriages and Private Hire Vehicles
- b) Strategic & Policy  
None
- c) Financial - Ref: 16/67  
None
- d) Legal – Ref: 419/03/16  
As contained within the report
- e) Human Resources  
None
- f) Community Safety, Equalities, Environmental  
Promotion of compliance with the requirements of the Equality Act 2010.
- 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 If Members resolved not to amend the Drivers Licence Conditions, drivers of Hackney Carriage and Private Hire Vehicles would still be under a duty to accept all Assistance Dogs in their vehicles due to the requirements of the Equality Act 2010.
- 5.2 Making the changes to the wording of the Drivers Licence Conditions ensures harmony between the Equality Act and the Drivers Licence Conditions to avoid confusion and misinterpretation
- 5.3 As conditions can only be added to the grant of a Hackney Carriage Drivers Licence (Section 47(1) Local Government (Miscellaneous) Provisions Act 1976) or Private Hire Driver Licence (Section 48(2) Local Government (Miscellaneous) Provisions Act 1976). This means that the changes will have effect from when a driver either applies for a new licence or a re-application once a licence has expired.
- 5.5 Pursuant to Section 170 Equality Act 2010 the operator of a private hire vehicle commits a criminal offence by failing or refusing to accept a booking for the vehicle if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and the reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog. It is a further offence for the operator commits to make an additional charge for carrying an assistance dog which is accompanying a disabled person.

- 5.6 Pursuant to Section 170 Equality Act 2010 the driver of a private hire vehicle commits an offence by failing or refusing to carry out a booking accepted by the operator if the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog.
- 5.7 The max sentence which the magistrates can impose for offences under Section 170 Equality Act 2010 is a fine not exceeding level 3 on the standard scale (£1000)
- 5.8 If a holder of a Combined Hackney Carriage/Private Hire Vehicle Drivers Licence or a Private Hire Operator refuses a person with an assistance dog in their company access to a vehicle, without holding an exemption certificate the potential consequences include losing valuable business and risking claims of disability discrimination, which could result in financial compensation.

## **6. Recommendations**

- 6.1 Members are asked to resolve to amend the wording in the Drivers Licence Conditions paragraph 7(4) from *Guide Dogs For The Blind* to *Assistance Dogs*.

### **Background Papers**

Equality Act 2010  
Local Government (Miscellaneous)  
Provisions Act 1976

### **Location**

Licensing Department



**BASSETLAW DISTRICT COUNCIL**

**COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE  
DRIVER'S LICENCE CONDITIONS**

**DEFINITIONS**

"The Council" means the Bassetlaw District Council.

"Taxi" means a Hackney Carriage licensed by the Council under the Town Police Clauses Act 1847.

"Private Hire Vehicle" means a private hire vehicle licensed by the Council under the Local Government (Miscellaneous Provisions) Act 1976.

"Authorised Officer" means any officer authorised by the Council in writing for the purpose of these conditions and any statutory requirements relating to taxi and private hire licensing.

"Proprietor" means the person or persons or body named in this licence as the proprietor of the taxi or private hire vehicle and includes part proprietors and, in relation to a vehicle subject to a hiring agreement or a hire purchase agreement, means the person in possession of the vehicle under that agreement.

"Operator" means a person holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

**1. ASSIGNMENT OF LICENCE**

The Licensee shall not assign or in any way part with the benefit of the Licence. It is personal to the Licensee.

**2. DEPOSIT OF LICENCE WITH TAXI PROPRIETOR OR PRIVATE HIRE OPERATOR**

The Licence shall be delivered to and deposited with the Proprietor of the taxi or with the Operator of the private hire vehicle.

**3. DRIVER'S BADGE**

The driver shall:-

- (1) at all times when on duty as a hackney carriage or private hire driver wear, in a conspicuous position so as to be clearly visible, the driver's badge issued by the Council
- (2) return his/her badge to the Council as soon as the Licence ceases to be in force

#### 4. CONDUCT OF DRIVER

The driver shall:-

- (1) afford all reasonable assistance with passengers' luggage;
- (2) be clean and respectable in his/her dress and person and behave in a civil and orderly manner;
- (3) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her;
- (4) advise passengers of their requirement to wear seatbelts and ensure that all children wear seatbelts and use appropriate child restraints in accordance with the law (**see seat belt regulations attached**);
- (5) not, without the express consent of the hirer, drink or eat in the vehicle whilst it is being hired;
- (6) at no time cause or permit the noise emitted by any device in the vehicle which he/she is driving, to be a source of nuisance or annoyance to any person whether inside or outside the vehicle.

#### 5. PROMPT ATTENDANCE

The driver of a taxi or private hire vehicle who has agreed, or has been hired to be in attendance with the taxi or private hire vehicle at an appointed time and place shall, unless delayed or prevented by some reasonable cause, punctually attend.

#### 6. DESTINATION

The driver of a taxi when hired to drive to any particular destination shall not, without reasonable cause, unnecessarily prolong in distance, or in time, the journey for which the taxi has been hired.

#### 7. PASSENGERS

- (1) The driver shall not convey or permit to be conveyed in a taxi or private hire vehicle, a greater number of persons than that prescribed in the Licence for the vehicle.
- (2) The driver shall not allow more than two passengers to be conveyed in the front of the Taxi or Private Hire Vehicle. Two passengers shall only be permitted where there are two passenger seats with seatbelts.
- (3) The driver shall not, without the consent of the hirer of the taxi or private hire vehicle, convey or permit to be conveyed any other person in the vehicle
- (4) The driver may, at his/her discretion, convey animals or pets, provided that this restriction does not apply to guide dogs for the blind.
- (5) The driver who shall knowingly convey in the vehicle the dead body of any person shall, immediately thereafter, notify the fact to the Police.

**8. STATEMENT OF FARES (TAXIS ONLY)**

The driver of a taxi shall ensure that a statement of fares or rates of fares currently in force in the District shall be displayed at all times and shall not be concealed at any time while the taxi is plying or being used for hire.

**9. VEHICLE LICENCE DETAILS**

The driver shall not conceal from public view the interior display of:

- (1) the vehicle Licence number;
- (2) the number of passengers permitted to be carried in the vehicle.

**10. FARE METERS (TAXIS ONLY)**

- (1) The driver of a taxi shall not tamper with or permit any person other than an Authorised Officer to tamper with any taxi fare meter, fittings or seals provided in the taxi.
- (2) Vehicles **MUST** be presented for inspection by the Council as soon as is reasonably practicable following any adjustments or repairs to the meter.
- (3) The driver shall ensure that when the vehicle is not undertaking a hire journey, no fare is recorded on the face of the meter.
- (4) On commencement of a journey, the driver shall bring the meter into action and keep the meter in action until the termination of the hiring.
- (5) The driver shall cause the meter to be properly illuminated throughout any part of the hiring which is during the hours of darkness and at any other time if requested to do so by the hirer of the taxi.
- (6) The meter switch must be independent of the roof sign illumination switch.
- (7) The driver must not charge a fare higher than that displayed on the meter at the termination of the journey.

**11. PROCEEDING TO RANKS (TAXIS ONLY)**

The driver of a taxi shall, when plying for hire in any street and not actually hired:-

- (1) proceed with reasonable speed to one of the stands appointed by the Council;
- (2) if a stand, at the time of his arrival, is occupied by the full number of taxis authorised to occupy it, proceed to another stand;
- (3) on arriving at a stand not already occupied by the full number of taxis authorised to occupy it, park the taxi immediately behind the taxis already on the stand so as to face the same direction; and

- (4) from time to time when any other taxi immediately in front is driven off or moved forward cause his taxi to be moved forward so as to fill the place previously occupied by the taxi driven off or moved forward.

**12. LOST PROPERTY**

Any property left in a taxi or private hire vehicle shall, within 24 hours, be taken by the driver, to the nearest Police Station.

**13. CHANGE OF ADDRESS**

The driver shall give notice to the Council of any change of his/her address, during the period of the Licence, within seven days of such change taking place.

**14. CONVICTIONS**

The driver shall, within seven days, disclose to the Council, in writing, details of any convictions incurred by him/her during the period of the Licence. (Conditional Discharges, Bind Overs, Police Cautions and endorsable Fixed Penalty Offences count as convictions).

## **PENALTIES**

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act, shall be guilty of an offence and may be liable on summary conviction to a fine not exceeding £1,000 where no other specific penalty is expressed. In addition, such action may lead to the suspension or revocation of any existing licence or the non-renewal of such a Licence.

Your attention is drawn to the various provisions contained in the 1976 Act which you are advised to obtain and read carefully.

**N.B.** These conditions are additional to the statutory requirements relating to hackney carriages contained in the Town Police Clauses Act 1847 (and any Byelaws made thereunder) and the Local Government (Miscellaneous Provisions) Act 1976.

**This authority is under a duty to protect funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.**

Licensing Committee

14.6.07

Amended Licensing Committee 17.06.15



## SEAT BELT REGULATIONS

### (in Taxis and Private Hire Vehicles)

#### Children under 3 years old

If carried in the front seat, an appropriate child restraint **MUST** be used (the adult seat belt is not sufficient).

If carried in the rear seat, an appropriate child restraint **MUST** be used, **IF AVAILABLE**.

If an appropriate restraint is fitted in the front of the car, but not the rear, children under 3 years old **MUST** sit in the front and use that restraint. (Remember, you could move the restraint from the front to the rear if you wish, and you should do this if you are using a rearward-facing baby seat and there is a passenger airbag fitted).

If a child restraint is not available then the child may travel unrestrained in the rear. (This is the only exemption, and has been introduced for practical rather than safety reasons. The driver should always think about ways to make sure that a child seat is available).

#### Children Aged 3 to 11 years and under 1.35 metres tall

If carried in the front seat, an appropriate child restraint **MUST** be worn **IF AVAILABLE**.  
If not, an adult seat belt **MUST** be worn.

If carried in the rear seat, an appropriate child restraint **MUST** be worn **IF AVAILABLE**.  
If not, an adult seat belt **MUST** be worn.

If an appropriate restraint or seat belt is fitted in the front of the car, but not in the rear, children between 3 to 11 years old and under 1.35 metres tall **MUST** use that restraint or seat belt. (Remember, you could move the restraint from the front to the rear if you wish).

#### Children Aged 12 or 13 years or younger children 1.35 metres or more in height

If carried in the front or rear seat, an adult seat belt **MUST** be worn.

#### Passengers Over 14 years old

If carried in the front or rear seat, an adult seat belt **MUST** be worn.

**It is the driver's legal responsibility to ensure that the child is correctly restrained.**

Licensing Committee  
14.6.07

Regulations became operative  
from 18 September 2006  
[www.roadsafetyni.gov.uk](http://www.roadsafetyni.gov.uk)



**BASSETLAW DISTRICT COUNCIL**

**LICENSING COMMITTEE**

**16<sup>th</sup> March 2016**

**REPORT OF PRINCIPAL SOLICITOR (LICENSING AND REGULATORY)**

**BEST BAR NONE - UPDATE**

Cabinet Member: Co-operative and  
Corporate Services  
Contact: Stella Bacon  
Ext: 3279

**1. Public Interest Test**

- 1.1 The author of this report Stella Bacon has determined that the report is not confidential.

**2. Purpose of the Report**

- 2.1 To update Members on the Nottinghamshire Best Bar None Accreditation Scheme/Awards

**3. Background and Discussion**

- 3.1 Members will recall that on 4 November 2015 a report was placed before them to provide an update on the success of the first county wide Best Bar None Scheme in the country. The Ashley, Worksop, was presented with the award for best bar in the county.
- 3.2 The Nottinghamshire scheme was nominated for 2 national awards in the categories of best newcomer and most innovative scheme.
- 3.3 The award ceremony was held at the House of Lords on 2 February 2016. The Nottinghamshire Scheme was up against schemes that had been running over 7 years in the category of most innovative scheme
- 3.4 Although the Nottinghamshire Scheme was not named overall winner in either category the scheme was recognised for its achievement and awarded a Highly Commended certificate in each category.
- 3.7 Work has now commenced on launching the 2016 scheme for Nottinghamshire

#### **4. Implications**

- a) For service users

None

- b) Strategic & Policy

None

- c) Financial - Ref: 16/489

The 2014/15 scheme has been jointly funded by Nottinghamshire Police and Crime Commissioner and Nottinghamshire County Council. No information has been taken on how the 2015/16 scheme will be funded. The Principal Solicitor will bring a further report to committee once an update is available.

- d) Legal – Ref: 418/03/16

None

- e) Human Resources

None

- f) Community Safety, Equalities, Environmental

The scheme is likely to impact positively upon Community Safety. According to the attached report Home Office and Police statistics show a 10-48% reduction in violent crime against the person in areas where the Best Bar None scheme operates.

- 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 Officers are firmly of the view that this is a scheme worthy of the Council's continued support as it will increase transparency in the way licenced premises operate; it will increase public confidence and foster better relationships between licenced premises, the police and the Council

#### **6. Recommendations**

- 6.1 That the Licensing Committee notes the contents of the report detailing the newly implemented Best Bar None scheme for Nottinghamshire.

**Background Papers**

**Location**

**BASSETLAW DISTRICT COUNCIL**

**LICENSING COMMITTEE**

**16<sup>th</sup> March 2016**

**REPORT OF PRINCIPAL SOLICITOR (LICENSING AND REGULATORY)**

**SAFEGUARDING TRAINING**

Cabinet Member: Co-operative and  
Corporate Services  
Contact: Stella Bacon  
Ext: 3279

**1. Public Interest Test**

- 1.1 The author of this report Stella Bacon has determined that the report is not confidential.

**2. Purpose of the Report**

- 2.1 To update Members on the Nottinghamshire Safeguarding Vulnerable Passenger Training.

**3. Background and Discussion**

- 3.1 Members will recall that on 20 January 2016 they considered a report and resolved to introduce mandatory Safeguarding Vulnerable Passenger Training for all holders of Combined Hackney Carriage/Private Hire Drivers Licences ("Drivers Licences") in Bassetlaw.

- 3.2 Following the meeting of the Licensing Committee, letters were sent to all holders of Drivers Licences at the start of February updating them of the changes.

- 3.3 The following sessions are currently available for drivers who are currently applying for a Drivers Licence or are due to re-apply, due to their expiry of their current licence, in the next 6 months:

- 3.3.1 February 4<sup>th</sup> Rushcliffe District Council
- 3.3.2 February 5<sup>th</sup> Broxtowe District Council
- 3.3.3 February 24<sup>th</sup> Newark District Council
- 3.3.4 March 14<sup>th</sup> Rushcliffe District Council
- 3.3.5 March 15<sup>th</sup> Ashfield District Council
- 3.3.6 March 16<sup>th</sup> Mansfield District Council
- 3.3.7 March 17<sup>th</sup> Newark and Sherwood District Council
- 3.3.8 March 30<sup>th</sup> Mansfield District Council

- 3.3.9 March 31<sup>st</sup> Broxtowe District Council
- 3.3.10 April 22<sup>nd</sup> Bassetlaw District Council – Retford Town Hall
- 3.3.11 April 29<sup>th</sup> Bassetlaw District Council – Worksop Town Hall
- 3.3.12 Monday 25<sup>th</sup> April Broxtowe District Council
- 3.3.13 Tuesday 6<sup>th</sup> May Mansfield District Council
- 3.3.14 Monday 13<sup>th</sup> June Newark District Council – training session to take place at Ollerton
- 3.3.15 Wednesday 29<sup>th</sup> June Rushcliffe District Council
- 3.3.16 Friday 1<sup>st</sup> July Ashfield District Council
- 3.3.17 Monday 4<sup>th</sup> July Rushcliffe District Council
- 3.3.18 Wednesday 13<sup>th</sup> July Newark District Council – training session to take place at Kelham
- 3.3.19 Thursday 14<sup>th</sup> July Mansfield District Council
- 3.3.20 Monday 18<sup>th</sup> July Bassetlaw District Council –Worksop Town Hall
- 3.3.21 Thursday 21<sup>st</sup> July Ashfield District Council

- 3.4 There will be a morning and afternoon session on each date. The sessions hosted by Bassetlaw District Council will commence at 10am for the morning session and 1pm for the afternoon sessions.
- 3.5 Each session can have a maximum of 30 persons in attendance.
- 3.6 The cost of attending each session is £17.00.
- 3.7 The response from the licensed trade in relation to the changes has been mixed. Several whose licence is not due to expire for some time have expressed a wish in booking on to a course as they feel it would be a benefit to them to undertake the training. Other holders of Drivers Licences feel the training places an additional burden on drivers both financially and time pressure and this is unfair in the current economic climate.

#### **4. Implications**

- a) For service users

The aim of introducing a requirement for applicants to complete safeguarding training and pass an assessment would assist in professionalising the Borough's drivers and enhancing their public reputation. This should directly benefit service users.

- b) Strategic & Policy

None

- c) Financial - Ref: 16/23

None

- d) Legal – Ref: 420/03/16

None

- e) Human Resources

None

- f) Community Safety, Equalities, Environmental

Administering the training and ensuring understanding of the issues and how to tackle them ensures Hackney Carriage and Private Hire are able to act as eyes and ears of the community to assist in prevention of such issues.

- 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 Officers are firmly of the view that the training is invaluable following the findings contained in the Jay report and the subsequent Casey report into the vulnerability issues arising in Rotherham

**6. Recommendations**

- 6.1 That the Licensing Committee notes the contents of the report.

**Background Papers**

**Location**

