



**Bassetlaw**  
DISTRICT COUNCIL  
— North Nottinghamshire —

# LICENSING COMMITTEE

## AGENDA

Meeting to be held in the  
Council Chamber,  
Retford Town Hall, DN22 6DB  
on Wednesday, 20<sup>th</sup> September 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**

Mrs. C. Hopkinson

## **LICENSING COMMITTEE**

**Wednesday, 20<sup>th</sup> September 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 26<sup>TH</sup> JULY 2017 \* (pages 7-10)
4. MINUTES FOR ACTION \* (page 11)
5. OUTSTANDING MINUTES LIST \* (page 13)

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

#### **Key Decisions**

None

#### **Other Decisions**

6. REPORT(S) OF THE COUNCIL SOLICITOR \*
  - (a) Regulation of Performances of Hypnotism – Delegation to Officer (pages 15-21)

*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 Combined Hackney Carriage/Private Hire Driver's Licence (Deferred Application) (pages 23-63)
  - (b) Application for Combined Hackney Carriage/Private Hire Driver's Licence (pages 65-93)

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: [cara.crossland@bassetlaw.gov.uk](mailto:cara.crossland@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.)

D R A F T

**LICENSING COMMITTEE**

**Minutes of the meeting held on Wednesday, 26<sup>th</sup> July 2017 at Worksop Town Hall**

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

Officers in attendance: W Nuttall, B Pinkney, 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).

**10. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor B A Bowles.

**11. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS**

(a) **Members**

Councillor J R Anderson declared a non-pecuniary interest in Agenda Item No. 7(b).

(b) **Officers**

There were no Declarations of Interest by officers.

**12. MINUTES OF THE MEETING HELD ON 14<sup>TH</sup> JUNE 2017**

**RESOLVED** that the Minutes of the meeting held on 14<sup>th</sup> June 2017 be approved.

**13. MINUTES FOR ACTION**

The Council Solicitor informed Members that all items except 6(a) and 8(b) had been implemented. Agenda items 6(a) and 8(b) are within the reports.

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

**14. OUTSTANDING MINUTES LIST**

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

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

**Key Decisions**

None.

## **Other Decisions**

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

#### **(a) Equality Act 2010 Draft list of designated vehicles and policy dealing with exemptions on medical grounds.**

Members were advised that this report follows on from the decision taken to publish a list of wheelchair accessible vehicles in accordance with s. 167 of the act, during the meeting held 14<sup>th</sup> June 2017.

Members were advised that the purpose of this report is to consider and approve the Council's proposed policy dealing with applications for exemptions on medical grounds from the requirements placed upon licensed drivers by s. 165 of the Equality Act 2010 and to note the draft list of designated vehicles for publication under s. 167 of the Act.

The reason for publishing such a list is that drivers of licensed vehicles (which are designated drivers for the purpose of the Act) would then be bound by the provisions of s. 165, which imposes a number of duties on drivers. Failure to comply with these duties is an offence for which the driver may then be prosecuted.

Part of the process of publishing the list of accessible licensed vehicles is that drivers will be made aware of the ability to apply for an exemption from these duties under s. 166 of the Act, and the Council needs to have a policy in place to deal with this process.

Members were advised that Licensing Authorities are to be mindful of ensuring that sufficient vehicles are available to convey disabled passengers. Members are already aware that the Council requires all hackney carriage vehicles to be wheelchair accessible.

The Council is obliged to issue an exemption certificate where it is considered necessary on medical grounds; however, care must be taken to ensure that such certificates are only issued to those drivers who are physically incapable of offering assistance, and not to drivers who simply do not wish to offer such assistance. For this reason, any application for an exemption will need to be supported by a letter from the driver's doctor.

The process is designed to ensure that, only where there is genuine need for an exemption, will an exemption be granted. This is to seek to ensure that there remain sufficient vehicles available to transport disabled passengers.

Members raised questions regarding the consequences if drivers were to breach the policy. The Council Solicitor confirmed that a consequence of this is that offences may be prosecuted in the magistrate's court.

#### **RESOLVED that:**

1. Members approve the draft exemption policy set out in Appendix 1.
2. Members note the content of the draft list of designated vehicles for publication.
3. Members delegate authority to the Council Solicitor to draft an application form for a medical exemption, an exemption certificate and notice of exemption (for display in vehicles) and to amend the relevant section of the Council's Hackney Carriage and Private Hire Licensing Policy.

#### **(b) Councillors' handbook (England and Wales) taxi and private hire vehicle licensing**

Members were advised that this report follows on from the Licensing Act Training for members and officers held at the Hostess, Sookholme, Mansfield, on Wednesday 5<sup>th</sup> July, 2017. During the training it was noted from Rebecca Johnson, Policy Advisor for the Local Government



Association, that the latest version of the Councillors Handbook (England and Wales) Taxi and Private Hire Vehicle Licensing was available for downloading from the LGA website.

The guide has been developed to help councillors understand some of the key issues concerning Taxi (Hackney Carriage) and Private Hire Vehicle licensing undertaken by Licensing Authorities which have the responsibilities for ensuring public travel in safe, well maintained vehicles driven by competent drivers, as well as providing a fair and reasonable service for the Taxi and Private Hire trade.

Members were advised that the guide is intended to be used as a starting point for councillors to explain some of the difficulties that can arise in this complex area of business regulation and includes a number of case studies from Local Councils to illustrate their involvement.

**RESOLVED** that members note the report and contents of the Local Government Association's Handbook "Councillor's Guide (England and Wales) Taxi and Private Hire Vehicles Licensing".

#### 16. 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 – 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**

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

##### (a) Application for combined Hackney Carriage/Private Hire Drivers licence

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 request.

**RESOLVED** that the application be granted for a 1 year period. After 1 year the application for renewal shall be referred to Licensing Committee for determination with a condition that evidence is provided at the end of the 1 year period proving that the majority of the applicant's work has taken place within the Bassetlaw District.

##### (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 request. Members had requested further evidence from the applicant at the previous meeting on 14<sup>th</sup> June but this had not yet been provided.

**RESOLVED** that the application be deferred to a future committee for further evidence from the applicant.

18. 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 8.10pm.)

**MINUTES FOR ACTION AND IMPLEMENTATION SHEET**

**LICENSING COMMITTEE**

**26/07/17**

FROM: 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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**15. REPORT(S) OF THE PRINCIPAL SOLICITOR (LICENSING AND REGULATORY)**

- (a) Equality Act 2010 Draft list of designated vehicles and policy dealing with exemptions on medical grounds.

**RESOLVED** that:

1. Members approve the draft exemption policy set out in Appendix 1.
2. Members note the content of the draft list of designated vehicles for publication.
3. Members delegate authority to the Council Solicitor to draft an application form for a medical exemption, an exemption certificate and notice of exemption (for display in vehicles) and to amend the relevant section of the Council's Hackney Carriage and Private Hire Licensing Policy.

**CS**

- (b) Councillors' handbook (England and Wales) taxi and private hire vehicle licensing

**RESOLVED** that members note the report and contents of the Local Government Association's Handbook "Councillor's Guide (England and Wales) Taxi and Private Hire Vehicles Licensing".

**CS**

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

- (a) Application for combined Hackney Carriage/Private Hire Drivers licence

**RESOLVED** that the application be granted for a 1 year period with a condition that evidence is provided at the end of the 1 year period proving that the majority of work has taken place within Bassetlaw.

**CS**

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

**RESOLVED** that the application be deferred to a future committee for further evidence from the applicant.

**CS**

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**LICENSING COMMITTEE****WEDNESDAY, 20<sup>TH</sup> SEPTEMBER 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.  <b>Report to be presented to a future meeting</b>	PS(LR) / CS



**BASSETLAW DISTRICT COUNCIL**

**LICENSING COMMITTEE**

**20 SEPTEMBER 2017**

**REPORT OF THE COUNCIL SOLICITOR**

**REGULATION OF PERFORMANCES OF HYPNOTISM -  
DELEGATION TO OFFICERS**

Cabinet Area: 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 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 an authorisation for staging hypnotism, a Licensing Panel is set up to review the decision.

**3. Background and Discussion**

- 3.1 The Licensing Department has been contacted by the Majestic Theatre, Retford who are proposing to hold a hypnotism performance for entertainment purposes.
- 3.2 In England and Wales, an act of hypnotism is not a licensable activity under the Licensing Act 2003. Under the Hypnotism Act 1952, no person shall give an exhibition, demonstration or performance of hypnotism on any person, or in connection with entertainment to which the public are admitted, whether on payment or otherwise at any place, unless the Licensing Authority has authorised that exhibition, demonstration or performance. Any such authorisation may be subject to conditions.
- 3.3 The Act as amended makes it a criminal offence to conduct hypnotism for public entertainment unless the Licensing Authority has given authorisation.
- 3.4 It is open for the Licensing Authority to impose such conditions as it may see fit on any hypnotism authorisation. The Council has an established application process (including an application form and conditions, which are attached as Appendix A).

- 3.5 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.
- 3.6 Applications of this kind are, historically, rare. But they were determined at Officer level and this is the position at other Licensing Authorities. Applications are usually straightforward and it is felt appropriate that applications are determined at Officer level, to ensure that applications are dealt with in a timely manner.
- 3.7 It is proposed that, where an application is refused, then an applicant will have the opportunity to have that decision reviewed by members through a Licensing Panel.
- 3.8 If Members do want Officers to proceed with the preparation of the necessary documents and procedures then those will then be presented to the next Licensing Committee meeting for approval. Following this, drivers will be given a period of time within which to apply for an exemption, before the list of vehicles is published.

#### **4. Implications**

- a) For service users – None from this report.
- b) Strategic & Policy – None from this report.
- c) Financial - Ref: – 18/499  
No financial implications.
- d) Legal – Ref: – 117/09/2017  
No legal implications.
- e) Human Resources – None from this report.
- f) Community Safety, Equalities, Environmental – None from this report.
- 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 option to determine all such applications at Licensing Committee. However, this is not the recommendation of the report as it is felt that this type of application is appropriate to be dealt with at Officer level; Other Licensing Authorities deal with such applications at Officer level and this will allow applications to be dealt with in a timely manner.

#### **6. Recommendations**

- 6.1 That 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 that the Council's constitution be amended to reflect this.



6.2 That subject to 6.1 above, where an appeal is lodged against a decision to refuse an authorisation for staging hypnotism, a Licensing Panel is set up to review the decision, and that the Council's constitution be amended to reflect this.

**Background Papers:**

**Location:**

**HYPNOTISM ACT 1952****APPLICATION TO STAGE A PERFORMANCE OF HYPNOSIS****DETAILS OF THE APPLICANT**

Name and Address of Applicant	
Telephone Number	
Address of premises where exhibition, demonstration or performance is to be given	
Date of exhibition, demonstration or performance	
Is there a current Licence in force to use the premises for the purpose of public entertainment granted under Section 1 of the Local Government (Miscellaneous Provisions) Act 1982  If so, give details of Licence Number	

**DETAILS OF THE PERFORMER**

Name and Address of the person by whom the exhibition, demonstration or performance is to be given (Permanent address in the UK must be given)	
Date of Birth	
Details of Stage Name	
Is the person a member of the Federation of Ethical Stage Hypnotists	
Description of the proposed exhibition, demonstration or performance	
Details of experience in hypnosis training etc	

Has the hypnotist been previously refused or had withdrawn, a consent by any licensing authority or been convicted of an offence under the Hypnotism Act 1952 or of an offence involving the breach of a condition regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism on any person at a place licensed for public entertainment?

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Details of last six licensed performances


Please give names and addresses of two persons who will provide character references

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Details of insurance against injury to subjects to the extent of not less than £250,000.

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**Declaration**

**I HEREBY DECLARE** that the information given on this form is true and complete to the best of my knowledge.

Signed ..... Date .....

**NOTES**

A period of not less than 28 days should be allowed for the processing of this application.

Completed application forms should be sent to the Licensing Department, Bassetlaw District Council, Queen's Buildings, Potter Street, Worksop, Notts S80 2AH

# **BASSETLAW DISTRICT COUNCIL**

## **HYPNOTISM ACT 1952**

### **REGULATION OF EXHIBITIONS, DEMONSTRATIONS OR PERFORMANCES OF HYPNOTISM**

#### **STANDARD CONDITIONS**

- 1) the exhibition shall be so conducted as not to be likely to cause harm to any person attending it;
- 2) no person shall be caused, while under the influence of hypnotism, to say or do anything offensive to the public; if the licensing authority notifies the Licensee in writing that it objects to anything said or done in the course of the exhibition such thing shall not thereafter be included in the exhibition;
- 3) no exhibition, demonstration or performance shall include:-
  - a) any experiment involving the age regression of the subject;
  - b) the giving of hypnotherapy or any other form of treatment;
  - c) any experiment in which the subject is suspended between two supports (so called "catalepsy"); or
  - d) the giving of suggestions to the subject that he should perform any act or behave in any manner which is likely to be interpreted as indecent, offensive or harmful, nor that he should consume any substance which is either noxious or harmful;
- 4) all hypnotic or post-hypnotic suggestions shall be completely removed from the minds of the subjects (including those of the audience) before they leave the room or place in which the performance takes place. Likewise any post-hypnotic suggestions given shall take place only in the presence of the hypnotist, and shall not continue after the performance or away from the room or place in which the performance takes place;
- 5) the exhibition shall conform to the description submitted to the licensing authority unless the authority has required or expressly authorised a modification;
- 6) any modifications in the exhibition subsequently required by the licensing authority shall be made immediately upon notice thereof being given by the authority to the Licensee;
- 7) no inducements shall be offered to members of the public to subject themselves to the influence of the hypnotist;
- 8) no poster, advertisement or programme relating to the exhibition shall be displayed, sold or supplied, by or on behalf of the Licensee either at the premises or elsewhere, which is likely to be injurious to morality or otherwise offensive to public feeling; if the licensing authority notifies the Licensee in writing that it objects to a poster, advertisement or programme so displayed, sold or supplied that poster, advertisement or programme shall not thereafter be displayed, sold or supplied.
- 9) every poster, advertisement or programme relating to the exhibition displayed, sold or supplied at the premises shall draw attention, in a clear and legible manner, to the prohibition on the hypnotising of persons under the age of 18 imposed by Section 3 of the Hypnotism Act 1952.

