

LICENSING COMMITTEE

Minutes of the meeting held on Wednesday, 26th 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 14TH JUNE 2017

RESOLVED that the Minutes of the meeting held on 14th 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 14th 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 5th 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 14th 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.)