

LICENSING COMMITTEE

Minutes of the meeting held on Wednesday, 9th November 2016 at Retford Town Hall

Present: Councillor J Potts (Chair)
Councillors J R Anderson, H M Brand, G Clarkson, K M Greaves, G Jones and K Sutton.

Officers in attendance: S Aston, S Bacon, J Hamilton and A Webster.

(Meeting opened at 6.35pm.)

(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 two applicants and one member of the public were present, this was not taken up).

28. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors B A Bowles, D Merryweather, D Potts, and D R Pressley.

29. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

(a) Members

Councillor J R Anderson declared Disclosable Pecuniary Interests in Agenda Item Nos. 6(c) and 7(c) – reports relating to the DVSA Taxi Driver Test, as he is employed by the company that administers the test. He left the meeting and took no part in the discussion and voting thereof.

(b) Officers

There were no Declarations of Interest by officers.

30. MINUTES OF THE MEETING HELD ON 14TH SEPTEMBER 2016

RESOLVED that the Minutes of the meeting held on 14th September 2016 be approved.

31. MINUTES FOR ACTION

The Principal Solicitor (Licensing and Regulatory) informed Members that all actions had either been implemented or were included in reports on tonight's Agenda.

RESOLVED that the Minutes for Action be received.

32. OUTSTANDING MINUTES LIST

RESOLVED that the Outstanding Minutes List be received.

33. CHANGE OF AGENDA ORDER

The Chair requested a change of order in the Agenda to accommodate the two applicants present.

RESOLVED that Agenda Item Nos. 6(b) and 6(c) be brought forward on the Agenda to accommodate the two applicants present.

34. 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(b) – Application for Exemption from Displaying PHV Plates / Door Signs – Paragraph 3

Agenda Item No. 7(c) – Application for Exemption from DVSA Taxi Driver Test - Paragraph 1.

SECTION B – ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

None.

Other Decisions

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

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

Members were asked to consider an application for exemption in respect of the condition to display private hire vehicle plates and door signs for one vehicle. The applicant is in the process of applying for a Private Hire Operator's Licence with Bassetlaw District Council, and previously held one between 24th November 2014 and 23rd November 2015 before moving his business to a different authority area.

A letter in support of the application was appended to the report. The applicant was present and expanded on his business.

RESOLVED that a Notice of Exemption for the display of private hire vehicle plates and door signs be granted under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 in respect of the applicant's vehicle, as listed in Paragraph 3.2 of the report, for the duration of the Private Hire Vehicle Licence (once granted).

(b) Application for Exemption from DVSA Taxi Driver Test

Members were asked to consider an application for exemption from taking the DVSA Taxi Driver Test. The applicant is in the process of applying for a Combined Hackney Carriage/Private Hire Driver's Licence with Bassetlaw District Council and has been offered employment with an executive private hire business in the District.

The applicant's driving qualifications were listed at Paragraph 3.5 of the report, and the vehicles he is qualified to drive were listed at Paragraph 3.6. Copies of the evidence provided in support of the application were appended to the report. The applicant produced a copy of the Gold

certificate which he had recently achieved in respect of a Royal Society for the Prevention of Accidents Advanced - Drivers and Riders (RoSPA) assessment. Details of the RoSPA qualification were also appended to the report. The applicant was present and expanded on his career to date, qualifications and driving experience.

RESOLVED that the applicant be exempt from having to sit the DVSA Taxi Driver Test based on the evidence which had been provided relating to the driving qualifications which he currently holds.

(Councillor J R Anderson had declared a Disclosable Pecuniary Interest in the above item, and left the meeting, taking no part in the discussion and voting thereof.)

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None.

Other Decisions

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

(a) Coroner's Inquest – 24th and 25th October 2016

Members were updated on the judgement of H M Coroner for Nottingham, Miss M Casey, into the death of Mark Buckley which occurred on 31st March 2014 and involved a Private Hire Vehicle and Driver, licensed by a Nottinghamshire Licensing Authority.

The Council's Licensing Department were made "properly interested persons" in the matter in August 2016, as were all other Nottinghamshire Licensing Authorities. This status meant that the Council was able to have copies of all statement and documents, and at the hearing the Principal Solicitor (Licensing and Regulatory) attended and was able to ask questions of the witnesses. The Coroner hoped that the tragedy could be used to ensure that all licensing authorities in Nottinghamshire set the bar for the highest operating standards which would then be taken up nationally.

A copy of the Position Statement filed by the Principal Solicitor (Licensing and Regulatory) was appended to the report. The Statement included a copy of the draft Hackney Carriage Private Hire Policy which was on tonight's Agenda, although it was explained that the Policy was subject to Council approval.

During the hearing, the Coroner expressly commended Bassetlaw District Council's draft Policy in relation to proposals made (drug testing element) and that the Policy adequately covered all issues raised by her prior to the hearing.

A copy of the Coroner's Judgement was also appended to the report. The Coroner commended the Nottinghamshire Authorities Licensing Group for leading the way nationally in terms of the changes they have implemented since this tragedy which, she felt, was a fitting legacy for Mr Buckley.

Members discussed various aspects of the tragedy, the outcome of the inquest and action which is being taken in the District by the Licensing Department to further enhance public safety.

RESOLVED that the judgement of H M Coroner into the death of Mark Buckley be noted.

(b) Hackney Carriage/Private Hire Licensing Policy

Members were asked to consider implementing an overarching Hackney Carriage and Private Hire Licensing Policy to centralise all documents and information relating to this area of licensing. The aim of the draft Policy is to strengthen the current policy, endorsing the requirement that public safety is paramount, improve standards and help professionalise the trade.

Further to the Government announcement regarding the Immigration Act provisions which make changes in how licences are granted to Hackney Carriage/Private Hire Drivers and Private Hire Operators, the Principal Solicitor (Licensing and Regulatory) had made further changes to the draft Policy. This had been circulated to Members prior to the meeting and copies tabled at the meeting.

Key changes to the procedure/policy and their rationale were listed in Section 3 of the report, and these were explained in further detail by the Principal Solicitor (Licensing and Regulatory).

Members raised issues/asked questions on some aspects of the draft Policy and discussed the options and risks detailed in the report in Section 5.

RESOLVED that the draft Hackney Carriage/Private Hire Licensing Policy, as presented to Members, be approved and referred to full Council on 15th December 2016 for ratification and implementation from 1st January 2017.

FURTHER RESOLVED that thanks be recorded to the Principal Solicitor (Licensing and Regulatory) for her excellent work on the draft Policy; also for her progressive work within the Licensing Department in general.

(c) DVSA Taxi Driver Assessments

Members were asked to consider how to provide a practical taxi driver assessment following notification from the Driver and Vehicle Standards Agency (DVSA) that they will be withdrawing the provision of the Taxi Assessment on 31st December 2016. A copy of the notification letter from the DVSA was appended to the report.

The Principal Solicitor (Licensing and Regulatory) informed Members that all available test slots have been filled meaning that the Licensing Department is not able to process applications from potential new drivers who have commenced the application procedure and not booked an assessment or just embarking on commencing the application procedure.

Potential alternative providers had been contacted and enquiries made as to whether they could provide a similar service. The Principal Solicitor (Licensing and Regulatory) has entered in to discussions with Personnel Checks, who conduct Disclosure and Barring Service checks on behalf of Bassetlaw District Council and they can provide and administration service for the practical driving assessment using advanced driving instructors in the local area. A copy of the test specification and form were appended to the report.

Members discussed the three options and risks detailed in the report in Section 5.

RESOLVED that:

1. Personnel Checks be appointed to administer the Practical Driving Assessments on behalf of Bassetlaw District Council.
2. The person conducting the assessment shall be an Advanced Driving Instructor and shall carry out the assessment to the DL25 standard.
3. Applicants will meet the full cost of the test themselves (currently £90 including VAT) and this shall be payable directly to Personnel Checks.

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.

(Councillor J R Anderson had declared a Disclosable Pecuniary Interest in the above item, and left the meeting, taking no part in the discussion and voting thereof.)

(d) Park Home Site Conditions

Members were asked to consider whether to update the conditions attached to Permanent Residential Mobile Home Site Licences following the period of consultation.

Appended to the report:

- Copy of the report presented to Licensing Committee on 20th July 2016
- A copy of the letter inviting the consultees to submit comments on the proposed amended site conditions.
- Full copies of the responses received.
- Proposed amended site conditions, highlighting suggested amendments made by Mr Myres.

Members discussed the options and risks detailed in the report at Section 4.

RESOLVED that:

1. The proposed amended draft site conditions, as appended to the report, be approved, with an implementation date of 1st January 2017.
2. The conditions to be applied retrospectively. If site owners feel that they would be unable to comply with any of the new conditions, they are to submit a written request and reasons for the non-compliance to the Licensing Authority which will decide whether to grant them an exemption for each specific clause/condition.
3. The Council Solicitor and Principal Solicitor (Licensing and Regulatory) be granted delegated power from the Licensing Committee to grant exemptions from compliance with the amended Park Homes Site Conditions.

37. 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) – Outcomes of Licensing Panel Hearings – Paragraph 1

SECTION B – ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

None.

Other Decisions

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

(a) Outcomes of Licensing Panel Hearings

Members were informed of the outcomes of recent Licensing Panel hearings which were listed in Paragraph 3.3 of the report. Copies of the full decision notices of each of the Panels were appended to the report.

Members' raised issues/asked for updates on some of the cases.

RESOLVED that the outcomes of the Licensing Panel Hearings be noted.

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

(a) Email Correspondence

An elected Member raised concerns about email correspondence which was being sent by an individual to all Members of the Licensing Committee, and asked for advice on this matter. The Principal Solicitor (Licensing and Regulatory) advised Members not to reply to such emails, and informed them that senior officers and the Leader of the Council were now being targeted, and that action was being taken.

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

(Meeting closed at 8.35pm.)