

LICENSING COMMITTEE

Minutes of the meeting held on Wednesday, 15th November 2017 at Worksop Town Hall

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

Officers in attendance: 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).

28. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor D R Pressley.

29. 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.

30. MINUTES OF THE MEETING HELD ON 20TH SEPTEMBER 2017

RESOLVED that the Minutes of the meeting held on 20th September 2017 be approved.

31. MINUTES FOR ACTION

The Council Solicitor informed Members that all items had been implemented.

RESOLVED that the Minutes for Action be received.

32. OUTSTANDING MINUTES LIST

The Council Solicitor informed Members that outstanding minute no 36(c) will be presented at agenda item no 6(a). Questions were raised regarding outstanding minutes no 35(b). The Council Solicitor informed members that the report will be presented at a future meeting in 2018.

RESOLVED that the Outstanding Minutes List be received.

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None.

Other Decisions

33. REPORT(S) OF THE COUNCIL SOLICITOR

(a) Taxi Driver Assessments

Members were advised that the purpose of the report was to consider how to provide a practical taxi driver assessment. Personnel checks had administered the practical driver assessment on behalf of the Council for the past 12 months and it is recommended that the arrangements should continue.

Members were advised that the Council received a letter in early September 2016 from the DVSA informing that they would withdraw the provision of the taxi assessment (the practical driving test) from 31st December 2016.

On 14th January 2015 members had resolved to make it a mandatory requirement of the application process (for a Combined Hackney Carriage/Private Hire Vehicle Drivers Licence) that a DVSA Taxi Driver Assessment Pass Certificate must be produced to the Licensing Department to support a new application for a licence.

At the Licensing Committee meeting on 9th November 2016 members were informed that the Licensing Department worked closely with Personnel Checks who carry out Disclosure and Barring service checks on applicant for Combined Hackney Carriage/Private Hire Vehicle Drivers Licence and Private Hire Vehicle operators licences.

Members were advised that Personnel Checks had stated that they would be able to assist in the administering of the practical driving assessments. Applicants would make their booking via the Personnel Checks system and this would be allocated to an examiner who has the capacity to conduct the assessment. Payment would not be made to Bassetlaw District Council

It was noted that the cost of the assessment is £90 (inc VAT). The amount charged by the DVSA for Hackney Carriage and Private Hire Saloon Vehicles was £76.66 on a weekday and £96.00 on a weekend.

Members were advised that during the last 12 months Personnel Checks had administered the practical driving assessment on behalf of the Council and there have been no reported problems with service delivery or complaints from applicants in respect of the process. The Council's Principal Solicitor had recently liaised with the contract manager at Personnel Checks to review service delivery in the last 12 months. Both reported that they are satisfied with the administration of driving tests during that period.

Members requested for the statistics of how many Driving Assessment personnel checks had undertaken in the first year, as well as the pass and fail rate be presented at a future meeting.

RESOLVED that:

1. Members appoint Personnel Checks to continue to administer the Practical Driving Assessments on behalf of Bassetlaw District Council. The person conducting the assessment shall continue to be an Advanced Driving Instructor and shall carry out the assessment to the DL25 standard. Applicants will meet the full cost of the test themselves and this shall be payable directly to personnel checks.
2. Statistics of how many Driving Assessment personnel checks had undertaken in the first year and the pass and fail rate be presented at a future meeting.

(b) Proposed Joint Enforcement Protocol

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

It was noted that the Council is responsible for licensing Hackney Carriage and Private Hire Vehicles and Drivers, Private Hire Operators and Hackney Carriage Proprietors in the District. The powers to carry out those licensing functions are continued in the Town Police Clauses Act 1847 and Local Government Act 1976.

The council is also responsible for the enforcement of the provisions of those acts in respect of the Drivers, Vehicles, Operators and proprietors that it has licensed. Vehicles licensed by the council may undertake journeys which begin or end, or travel through other areas.

Members were advised that the Nottinghamshire Authorities Licensing Group (NALG) had proposed that it would be expedient for authorities' officers of each Licensing Authority to have some enforcement powers in respect of vehicles and drivers licensed by the other Licensing Authorities.

The enforcement powers to which the joint enforcement protocol will apply are as follows;

- Inspection of drivers licence/badge under s.53(3) Local Government (Miscellaneous provisions) Act 1976.
- Inspection/testing of vehicles and suspension of licence where not satisfied as to fitness under s.68 of the Act.
- Obstruction of the Authorised Officer under s.73 of the Act.

Members were advised that officers had considered that the proposal to enter into a Joint Enforcement Protocol would have a number of benefits, which included; improved levels of enforcement across the county; a consistent approach to enforcement in the county; improved levels of customer safety. Potentially, where a licensed vehicle is defective, this could be detected and enforcement action taken in whichever part of Nottinghamshire the Vehicle is situated.

Members raised questions regarding whether the protocol will relate to authorities within county's that Border Nottinghamshire. The Council Solicitor confirmed that the protocol will only relate to Nottinghamshire Authorities. However, it is in the council's best interest to spread the protocol as wide as possible and NALG will be looking at this.

RESOLVED that:

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

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 Paragraph 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) – Application for Exemption from Displaying PHV Plates/Door signs – Paragraph 3.

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 and determine the application for exemption under section 75(3) Local Government (Miscellaneous Provisions) Act 1976 in respect of a PHV licence conditions to display private hire vehicle plates and door signs on one new replacement vehicle.

Photographs of the vehicle were tabled.

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

RESOLVED that members grant the application by the applicant for an exemption under section 75(3) LG(MP)A 1976 for the duration of the PHV licence.

36. 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 6.57pm.)