

LICENSING COMMITTEE

Minutes of the meeting held on Wednesday, 20th July 2016 at Retford Town Hall

Present: Councillor J Potts (Chair)
Councillors J R Anderson, B A Bowles, G Clarkson, G Jones, D Potts and K Sutton.

Officers in attendance: S Bacon, J Hamilton and K Wood.

(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 three applicants were present, this was not taken up).

10. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors H M Brand, S Isard, D Merryweather and D R Pressley.

11. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

(a) Members

Councillor J Potts declared a non-pecuniary interest in Agenda Item No. 7(c) – Application for Combined Hackney Carriage/Private Hire Vehicle Driver’s Licence, as the applicant lives in her Ward; she remained in the meeting.

Councillor K Sutton declared a non-pecuniary interest in Agenda Item No. 7(b) – Application for Combined Hackney Carriage/Private Hire Vehicle Driver’s Licence, as the applicant lives in her Ward; she remained in the meeting.

(b) Officers

There were no Declarations of Interest by officers.

12. MINUTES OF THE MEETING HELD ON 15TH JUNE 2016

RESOLVED that the Minutes of the meeting held on 15th June 2016 be approved.

13. MINUTES FOR ACTION

With reference to Minute No. 6(a) – Review of Proposed Hackney Carriage Fare Increase, the Principal Solicitor (Licensing and Regulatory) informed Members that the proposed fare increases had been advertised. Four objections have been received; therefore, a report will be presented to the September meeting of Licensing Committee.

With reference to Minute No. 6(b) – Hackney Carriage/Private Hire Drivers’ Licence Knowledge Tests, the Principal Solicitor (Licensing and Regulatory) informed Members that these had been implemented and some had already been undertaken by drivers.

With reference to Minute No. 8(a) and 8(b) – Hackney Carriage/Private Hire Driver’s Licences, the Principal Solicitor (Licensing and regulatory) informed Members that one had been granted and the other one had been refused; with regard to the latter, the applicant has appealed against this decision.

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 PRINCIPAL SOLICITOR (LICENSING AND REGULATORY)

(a) Hackney Carriage / Private Hire Drivers, Private Hire Operators and Licensed Vehicle Penalty Points Scheme

Members were asked to consider implementing a penalty points scheme to deal with minor violations of policy and legislation.

The proposed scheme would apply to:

- Holders of Combined Hackney Carriage/Private Hire Vehicle Drivers’ Licences
- Hackney Carriage Vehicles
- Private Hire Vehicles
- Private Hire Operators

The proposed system involves penalty points being issued to an offender for minor offences. When a licence holder accumulates 12 points in a **24** month period they would be required to appear before the Committee which has the power to impose a range of sanctions, the most serious being the revocation of a licence. Serious offences or breaches will remain liable to criminal prosecution. Each breach will be assessed on a case by case basis. A draft version of the scheme was appended to the report.

From online research it has been ascertained that the following local authorities operate a similar system:

- North Lincolnshire
- Leicester City Council
- Rushcliffe Borough Council
- Chesterfield Borough Council

The Principal Solicitor (Licensing and Regulatory) advised Members that they have the power to issue points, in line with the scheme, when dealing with licence holders. To give a right of appeal to the licence holder, it has been drafted into the policy that the right of appeal will lie with Corporate Services OR the Director of Corporate Services. If Members revoke or suspend a licence, this right of appeal is to the Magistrates Court.

The primary objective of the penalty points scheme is to improve the levels of compliance and help improve the standards, safety and protection of the travelling public.

Members asked questions/raised issues on:

- How the valid (“live”) period is calculated on a roll forward basis.
- The impact of the proposed scheme on the workload of the Licensing Enforcement Officers.
- The success, or otherwise, of schemes implemented by other local authorities.
- Some of the points to be awarded for certain offences.

RESOLVED that:

1. The draft Penalty Points Scheme be amended to include:
 - (i) “Up to Points” in the title of the third column.
 - (ii) Offence 50 – 3-6 points.
2. The proposed Penalty Points Scheme be adopted from 1st August 2016.
3. Delegated power be granted to the Principal Solicitor (Licensing and Regulatory) and the Council Solicitor to issue points under the Scheme.
4. Delegated power be granted to Corporate Services and the Director of Corporate Services to deal with appeals of points issued under the Scheme.

(b) Park Homes Licence Conditions

Members were asked to consider updating the conditions attached to Permanent Residential Mobile Home Site Licences.

The Principal Solicitor (Licensing and Regulatory) reported that there are 11 privately owned sites across the District which must be licensed by the local authority. Section 5 of the Caravan Sites and Control of Development Act 1960, enables local authorities to set licence conditions which relate to the physical use of the site and its management.

The report included the following appendices:

- The current Model Standards
- The Council’s current conditions
- The draft updated conditions
- DCLG guidance paper on the Mobile Homes Act 2013

A revised copy of the draft updated conditions was circulated and the Principal Solicitor (Licensing and Regulatory) advised Members on the relevance of Paragraphs 20.9 23, 24 and 25. The draft updated conditions will be the subject of consultation with those specified in legislation and the following bodies/organisations:

- Environmental Health Department
- Nottinghamshire Fire and Rescue
- Trading Standards
- Residents Association(s)
- Planning Department

The Principal Solicitor (Licensing and Regulatory) advised Members that sites can implement their own rules with regard to environmental and health and safety aspects. These rules need to be lodged with the local authority and consultation has to be undertaken with the site’s residents.

RESOLVED that:

1. The draft amended Permanent Residential Mobile Home Site Licence Conditions, as tabled at the meeting, be approved for the purpose of consultation with the statutory consultees and those specified at Paragraph 4.3 of the report.
2. A report be presented to a future meeting of the Licensing Committee on the outcome of the consultation for approval of the final amended conditions.

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

Agenda Item No. 7(b) – Application for Renewal of Combined Hackney Carriage/Private Hire Vehicle Driver's Licence - Paragraph 1.

Agenda Item No. 7(c) – Application for Combined Hackney Carriage/Private Hire Vehicle Driver's Licence - 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 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 an additional vehicle. The applicant currently holds two Private Hire Vehicle Licences, for which one was granted a Notice of Exemption by the Licensing Committee on 20th January 2016.

A letter in support of the application and copies of photographs of the vehicle were appended to the report. The applicant was present and explained the reasons for the additional vehicle to Members.

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 second vehicle, PHV Licence Plate No. 25.

(b) **Application for Renewal of Combined Hackney Carriage/Private Hire Driver's Licence**

Members were asked to consider whether the applicant is a fit and proper person to hold a Combined Hackney Carriage/Private Hire Driver's Licence. The holder of the licence was present.

The Principal Solicitor (Licensing and Regulatory) read out several references which the licence holder had obtained in support of his application. Members were also advised of a Fixed Penalty Notice that the licence holder had declared after the report had been produced, which had been made available for the meeting.

RESOLVED that the licence holder be granted a Combined Hackney Carriage/Private Hire Driver's Licence for twelve months, subject to a warning as to future conduct.

(Councillor K Sutton had declared a non-pecuniary interest in the above item, as the applicant lives in her Ward; she remained in the meeting and took part in the discussion and voting thereof.)

(c) Application for Combined Hackney Carriage/Private Hire Driver's Licence

Members were asked to consider an application for a three-year Combined Hackney Carriage/Private Hire Driver's Licence. The applicant was present and gave evidence in support of his application.

RESOLVED that the applicant be granted a three-year Combined Hackney Carriage/Private Hire Driver's Licence.

(Councillor J Potts had declared a non-pecuniary interest in the above item, as the applicant lives in her Ward; she remained in the meeting and took part in the discussion and voting thereof.)

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

(a) 'Best Bar None' Scheme

The Principal Solicitor (Licensing and Regulatory) reported that, to date, only five premises had applied for the 2016 Scheme. The benefits of the scheme were outlined and Members were enlisted to canvass premises in their Wards, to encourage them to apply for the accreditation. Leaflets and application forms were handed out to Members.

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

(Meeting closed at 7.45pm.)