

LICENSING COMMITTEE

Minutes of the meeting held on Wednesday, 16th March 2016 at Worksop Town Hall

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

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

Also present: Councillors G Freeman and K H Isard (in audience).

(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 there were five members of the public present, this was not taken up).

46. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor J R Anderson who had been taken ill en route to the meeting.

47. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

(a) Members

Councillor J Potts declared a non-pecuniary interest in Agenda Item No. 7(b) – Grant of a Combined Hackney Carriage/Private Hire Driver’s Licence, as she knew the applicant who lives on her street and in her Ward. She left the meeting and took no part in the discussion and voting thereof.

(b) Officers

There were no Declarations of Interest by officers.

48. MINUTES OF THE MEETING HELD ON 20TH JANUARY 2016

RESOLVED that the Minutes of the meeting held on 20th January 2016 be approved.

49. MINUTES FOR ACTION

With reference to Minute No. 42(a) – Fees and Charges for Licences 2016/17, the Principal Solicitor (Licensing and Regulatory) informed Members that an objection had been received and, therefore, a report would be presented to the April 2016 meeting.

RESOLVED that the Minutes for Action be received.

(Councillors G Clarkson and C Troop joined the meeting at this point. They had been travelling to the meeting with Councillor J R Anderson when he had been taken ill and so had to wait for someone to pick him up.)

50. OUTSTANDING MINUTES LIST

RESOLVED that the Outstanding Minutes List be received.

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None.

Other Decisions

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

(a) Assistance Dogs

Members were asked to review the wording of Bassetlaw District Council's Hackney Carriage and Private Hire Driver's Licence Conditions, which were appended to the report.

Sections 168 to 171 of the Quality Act 2010 deal with the carriage of guide dogs and other assistance dogs in England and Wales. These sections replace those in the Disability Discrimination Act 1995 which imposed duties on taxi and private hire vehicle drivers and operators to accept guide dogs; and which have now been repealed. The Equality Act refers to assistance dogs to cover the wide variety of assistance duties which the dogs undertake. The change is mainly technical, rather than one with any practical implications.

The Principal Solicitor (Licensing and Regulatory) informed Members that if a driver is allergic to dogs, s/he needs to apply for a certificate of exemption; however, it is not thought that there any such drivers in the District.

An elected Member suggested that drivers should be made aware of any bogus assistance dogs, and also that assistance dogs should be wearing a vest and their user should carry a licence. The Principal Solicitor (Licensing and Regulatory) advised that this had been communicated to all drivers when the legislation changed but that this will be reinforced by a letter-drop to all drivers.

RESOLVED that the wording in the Drivers Licence Conditions be amended in respect of Paragraph 7(4) from "Guide Dogs for the Blind" to "Assistance Dogs".

(b) Best Bar None - Update

Members were updated on the Nottinghamshire Best Bar None accreditation scheme/awards.

At the awards ceremony held at the House of Lords on 2nd February 2016, the Nottinghamshire scheme was recognised for its achievement and awarded a Highly Commended certificate in the categories for 'Best Newcomer' and 'Most Innovative Scheme'.

Work has now commenced on launching the 2016 scheme for Nottinghamshire.

The Principal Solicitor (Licensing and Regulatory) reported that, as winners of the Best Bar None scheme in Nottinghamshire for 2015, The Ashley Hotel in Worksop has reported a significant increase in trade.

RESOLVED that the report detailing the newly implemented Best Bar None scheme for Nottinghamshire be noted.

(c) Safeguarding Training

Members were updated on the Nottinghamshire Safeguarding Vulnerable Passenger Training which had been approved by the Licensing Committee at its meeting on 20th January 2016.

Letters were sent to all holders of driver's licences advising them of the changes. Training sessions are available from February to July 2016 for those who are currently applying/reapplying for a driver's licence, and these were listed at Paragraph 3.3 of the report. The cost is £17.00 per session – this had originally been costed at £45.00 but has been reduced due to efficiency savings. The Council's Enforcement Officers will undertake training to deliver such sessions. Feedback from the licensed trade was reported at Paragraph 3.7 of the report. Elected Members were invited to attend any session.

RESOLVED that:

1. The report detailing Nottinghamshire Safeguarding Vulnerable Passenger Training be noted.
2. Any Member wishing to attend a training session to contact the Principal Solicitor (Principal and Licensing) (stella.bacon@bassetlaw.gov.uk).

52. 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 7, and therefore, in accordance with Section 100A of the Act, the press and public be excluded from the meeting:

Agenda Item No. 7(a) – Update on Recommendations for Review of Policy - Paragraph 7.

Agenda Item No. 7(b) – Grant of a Combined Hackney Carriage / Private Hire Driver's Licence - Paragraph 1.

(Councillors G Freeman and K H Isard remained in the meeting with the Chair's permission.)

53. CHANGE OF AGENDA ORDER

The Chair proposed taking Agenda Item No. 7(b) - Grant of a Combined Hackney Carriage / Private Hire Driver's Licence – before Agenda Item No. 7(a) as the applicant was in attendance.

RESOLVED that Agenda Item No. 7(b) - Grant of a Combined Hackney Carriage / Private Hire Driver's Licence – be taken before Agenda Item No. 7(a).

SECTION B – ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

None.

Other Decisions

(Councillor J Potts left the meeting for the following item and Councillor C Troop took the Chair.)

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

(a) Grant of a Combined Hackney Carriage / Private Hire Driver's Licence

Members were asked to consider and determine an application for a combined Hackney Carriage/Private Hire Driver's Licence. The applicant was present, accompanied by his solicitor (and spouse in the audience) and answered questions raised by Members, after his solicitor had presented his application/case. Copies of further documents were circulated to Members for information by the applicant's solicitor.

(A comfort break was taken by Members during 8.00-8.05pm after the applicant and his solicitor (and spouse) had left the meeting, after which Members deliberated the application.)

RESOLVED that:

1. The application for a combined Hackney Carriage / Private Hire Driver's Licence be refused.
2. A letter to the applicant, including reasons for refusal, be drafted by the Principal Solicitor (Licensing and Regulatory) and approved/signed by Councillor C Troop (Vice-Chair in Chair.)

(Voting for the above was unanimous.)

(Councillor J Potts returned to the meeting and resumed as Chair.)

(b) Update on Recommendations for Review of Policy

Members were updated on the upcoming public inquiry following a fatality on 30th March 2014 involving a Mansfield District Council licensed taxi driver.

A detailed summary of the issues raised and the response from the Nottinghamshire Authorities Licensing Group was appended to the report.

Elected Members raised concerns that the number of driving hours by taxi drivers is not regulated, and suggestions to assist with this were made.

RESOLVED that:

1. The report be noted.
2. Any suggestions regarding the review of such a policy be forwarded to the Principal Solicitor (Licensing and Regulatory) (stella.bacon@bassetlaw.gov.uk) so that these can be discussed at the next meeting of the Nottinghamshire Authorities Licensing Group.

55. 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 8.45pm.)