

LICENSING COMMITTEE

Minutes of the meeting held on Wednesday, 11th January 2017 at Worksop Town Hall

Present: Councillor J Potts (Chair)
Councillors J R Anderson, G Clarkson, K M Greaves, S Isard, D Merryweather,
D Potts, D R Pressley and K Sutton.

Officers in attendance: S Aston, C Crossland, B Pinkney, A Webster and S Wormald.

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

(Members were advised of roads closures in place due to masonry issues as a result the high winds.)

40. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors B A Bowles, H M Brand and G Jones.

41. 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.

42. MINUTES OF THE MEETING HELD ON 9TH NOVEMBER 2016

RESOLVED that the Minutes of the meeting held on 9th November 2016 be approved.

43. MINUTES FOR ACTION

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

RESOLVED that the Minutes for Action be received.

44. OUTSTANDING MINUTES LIST

RESOLVED that the Outstanding Minutes List be received.

45. CHANGE OF AGENDA ORDER

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

RESOLVED that Agenda Item Nos. 7(b), 7(b) and 7(c) be brought forward on the Agenda to accommodate the applicants present.

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

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

Agenda Item No. 7(b) -- Suspension or Revocation of a Private Hire Vehicle Operator’s Licence - Paragraph 1.

Agenda Item No. 7(c) - Suspension or Revocation of a Hackney Carriage/Private Hire Driver’s Licence and Private Hire Vehicle Operator’s Licence Following Conviction - Paragraph 1.

SECTION B – ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

None.

Other Decisions

47. 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 revocation or suspension of the holder of a Combined Hackney Carriage/Private Hire Driver’s Licence. The holder of the licence was present.

RESOLVED that the driver be allowed to continue and he should only be brought back before the Committee if he is convicted of any further criminal offences, breach of licensing policy or conduct which is deemed not to be associated with a fit and proper licence.

(b) Suspension or Revocation of a Private Hire Vehicle Operator’s Licence

Members were asked to consider and determine what action to take if any, against the holder of a Private Hire Vehicle Operator’s Licence. The licence holders were present in support of their application.

RESOLVED that a warning be issued as to future conduct which should to stay on file for a period of three months.

(c) Suspension or Revocation of a Hackney Carriage/Private Hire Driver’s Licence and Private Hire Vehicle Operator’s Licence Following Conviction.

Members were asked to consider and determine what action to take if any, against the holder of a Hackney Carriage/ Private Hire Driver’s Licence and a Private Hire Vehicle Operator’s Licence. The applicant was unable to attend the meeting.

RESOLVED that the application be deferred until the next meeting of the Committee to allow the applicant to attend to answer any questions from Members.

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None.

Other Decisions

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

(a) Fees and Charges for Licences 2017/18

Members were asked to consider the proposed increase to the present level of fees and charges for Licences for the financial year 2017/18.

A review is undertaken by the Committee on an annual basis in accordance with Council policy and while Cabinet approved an increase in fees and charges at its meeting on 6th December 2016, those relating to Licences were only approved subject to the approval by the Licensing Committee.

The Fees and Charges 2017/18 report which was presented to Cabinet was appended to the report along with a list of licence fees under the responsibility of the Licensing Committee. The Appendix detailed fees and charges for 2015/16, 2016/17 and proposals for 2017/18.

RESOLVED that that the fees and charges for Licences for 2017/18 as set out in Appendix C of the report be approved.

(b) Delegated Powers to Officers

Members were asked to consider making a referral to the Council's Monitoring Officer to ask her to consider making amendments to Bassetlaw District Council's Constitution to accurately reflect the powers which have been delegated to Officers by the Licensing Committee. Details of the recently delegated powers which need reflecting in the Council's Constitution were contained within the report.

RESOLVED that:

1. The following powers be delegated to the Council Solicitor:
 - a) To **suspend or revoke** the Licence of any hackney carriage vehicle or private hire vehicle which is considered unfit.
 - b) To **suspend or revoke** the Licence of any hackney carriage driver or private hire vehicle driver.
 - c) To **suspend or revoke** the Licence of any private hire operator.
2. That the contents of the report be referred to the Council's Monitoring Officer for consideration to be included in the amendments to the constitution. This will ensure that the content of the Consultation is accurate to the powers delegated by the Licensing Committee to Officers.

(c) Supplementary Testing Manual and Vehicle Specifications

Members were asked to consider if to make any amendments to the Supplementary Testing Manual and vehicle specifications in relation to the provision of tyres/ spare wheels for licensed vehicles. The current vehicle specifications in relation to the provision of a spare tyre were contained within the report.

It had been brought to the attention of the Principal Solicitor (Licensing & Regulatory) that manufacturers of new vehicles are not providing spare wheels as standard and are instead providing a foam substance, run flat tyres or space saver wheels. This means that operators who have purchased a newer type vehicle are having to install a non-standard spare wheel to ensure their vehicle meets the Council's required specifications.

When manufacturing new vehicles to ensure the cars meet the required safety standards the manufacturers put the vehicles through rigorous testing to ensure that the vehicle is fit for purpose. As a result other Licensing Authorities have made changes to their specification requirements.

Members were asked to consider the removal a number of clauses and replacement wording which was contained within the report. The changes would bring the Council in line with other Licensing Authorities and would allow vehicle owners a wider market choice when purchasing new/ replacement vehicles.

RESOLVED that the changes listed at paragraphs 3.6 and 3.7 of the report be made to the Supplementary Testing Manual and Vehicle Specifications.

(d) Vehicle Specifications – Electric Powered Vehicles

Members were asked to make amendments to the Vehicle Specifications to enable the Council to license electric powered vehicles as Hackney Carriage and Private Hire Vehicles.

Current vehicle specifications state a minimum engine capacity. The current conditions assume that license vehicles will be powered by liquid petroleum or LPG gas, thereby prohibiting by default other means of power.

In recent years there has been an increase in the availability of electric powered and the Licensing Department have received an enquiry from an individual who wishes to become a Private Hire Operator using electric powered vehicles.

In response to questions raised Members were advised that electric powered vehicles would be subject to the same charging schedule as set out in the fees and charges.

RESOLVED that the suggested changes at paragraph 3.13 to the Private Hire Vehicle and Hackney Carriage Vehicle licence conditions and paragraph 3.14 to the specification for, "Saloon Cars which are Hackney Carriages and Private Hire Vehicles" be adopted to allow electric vehicles to be licensed within the Bassetlaw District.

(e) Licensing Act 2003 – Suspension of Premises Licences/ Club Premises Certificates on Non-Payment of Annual Fees 2016

Members were updated on the number of premises licences which have been suspended for non-payment of annual fees. 323 invoices were sent to premises in October 2016 for which annual fees were due for payment on 24th November 2016. Since writing the report all invoices have been paid.

Members praised the work of the Licensing Admin Support Officer and the Enforcement Officer for their work relating to premises licensing.

RESOLVED that the report be noted.

(f) Bassetlaw Taxi Association

Members were asked to consider formally acknowledging the Bassetlaw Taxi Association. The report detailed contact with the newly formed Association and issues raised by the Principal Solicitor.

Elected Members commented that a lot of work had gone into the report. Members felt that the formation of an Association was positive, however work needed to be done in relation to their constitution and ensuring that the Association is representative of the trade and area. It was suggested that to Association seek advice on best practice from an accredited group in Nottinghamshire.

RESOLVED that the Bassetlaw Taxi Association not be accepted as a valid group for the purpose of any consultation entered into by the Committee for the following reasons:

1. As minutes of the meeting where the constitution was adopted have not been provided Members of the Committee cannot be certain that the current constitution has been correctly adopted.
2. As minutes of the meeting have not been provided/published Members of the Committee cannot be satisfied the group is correctly formed (as per its constitution) and that decisions have been taken as per the groups constitution.
3. Members of the Committee cannot be certain that the group is representative of the trade and members have not been excluded (e.g. Worksop operators).
4. Who can become a member of the group is not clear as the phrase "Hackney Carriage Operator" is not one which is defined in the constitution or in law.
5. The constitution does not give the Committee or Members the power to liaise with Bassetlaw District Council and to respond to consultation, on behalf of members, which may be opened.
6. The association should seek advice on best practice from an accredited Nottinghamshire group.

49. 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 8.02pm.)