

LICENSING COMMITTEE

Minutes of the meeting held on Wednesday, 19th September 2018 at Worksop Town Hall

Present: Councillor J Potts (Chair)
Councillors J R Anderson, B A Bowles, G Clarkson, K M Greaves, D R Pressley,
K Sutton and C Tindle.

Officers in attendance: S Bacon, B Pinkney and A Webster.

(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; there was one member of the public present).

15. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors H M Brand, S Isard and G Jones.

16. 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.

17. MINUTES OF THE MEETING HELD ON 25TH JULY 2018

RESOLVED that the Minutes of the meeting held on 25th July 2018 be approved.

18. MINUTES FOR ACTION

The Principal Solicitor (Licensing and Regulatory) (PS(LR)) advised Members that in regard to 13(b) and 13(c) – These are at consultation stage, the results will be reported back to Licensing Committee on 14th November. With regards to 13(a) – The fees and charges have been implemented.

RESOLVED that the Minutes for Action be received.

19. OUTSTANDING MINUTES LIST

The Principle Solicitor (LR) advised that in regard to: 35(b) – Roadside Catering Policy, it was advised that dramatic changes will be taking place from 1st October which will result in a higher volume of work to be done to the report. The PS(LR) asked for the outstanding minutes to be amended for the report to be presented to a future meeting in 2019. A report relating to the Roadside Catering Policy will be presented to a future meeting in 2019. In regards to outstanding minute 6(a) - Review of Proposed Hackney Carriage Fare Increase, the Committee was advised that this is out for consultation with all affected, the closing date for consultation is 12th October. A report will be presented to a future Committee with the outcome.

RESOLVED that:

1. The Outstanding Minutes List be received.
2. The Outstanding Minutes List be amended to note that the Roadside Catering Policy will be presented to a future meeting in 2019.

20. CHANGE IN AGENDA ORDER

The Chair proposed to change the Agenda order so that Agenda Item No. 7(a) is taken first before Agenda Item No. 6(a and b) as the applicant was present.

RESOLVED that the Agenda order be changed so that Agenda Item 7(a) is taken first before Agenda Item No. 6(a and b).

21. 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) – Application for Combined Hackney Carriage/Private Hire Driver’s Licence – Paragraph 1.

SECTION B – ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

None.

Other Decisions

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

(a) **Application for a Combined Hackney Carriage/Private Hire Vehicle Driver’s Licence**

Members were asked to consider and determine the application for a 3 year Combined Hackney Carriage/Private Hire Drivers Licence.

The applicant and his representative were present and answered member’s questions in support of the request. The applicants representative spoke in support of the request on his behalf.

(The applicant and his representative left the meeting)

(Councillor J R Anderson left the meeting before the resolution was voted upon)

RESOLVED that:

1. Members grant the Licence for a shorter period of 12 months with a warning as to future conduct.
2. After the 12 month period has expired if the applicant applies for a 3 year Combined Hackney Carriage/Private Hire Vehicle Driver’s licence and has no further convictions the Licensing Department can grant the Licence.

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None.

Other Decisions

23. REPORT(S) OF THE COUNCIL SOLICITOR

(a) National Register of Taxi Licence Revocations and Refusals

Members were asked to consider the report to seek authority for Bassetlaw District Council to adopt the use of the National Register of Taxi Licence Revocations and Refusals Known as NR3.

The Principle Solicitor advised Members that as a Licensing Authority for Hackney Carriage and Private Hire Vehicle Drivers Licence they have to be satisfied that the person whom they are granting the licence too is a 'fit and proper' person to hold such a licence. When considering if an applicant is suitable, the council will take into consideration a number of factors. Currently if the applicant does not disclose a previous revocation or refusal of a licence there is no way for the licensing department to verify this. As a result the Local Government Association (LGA) has commissioned the development of the NR3. This will allow Licensing Authorities to check new applicants against the register to help assess who fits the 'fit and proper' person test. This will also prevent people whom are found not to be fit and proper in one area from securing a licence in a different area.

NR3 will show that an applicant/driver has been refused a licence or has had a licence revoked by a named authority. NR3 does not record suspensions of a licence.

Members were advised that this database should have been introduced a while but was restricted due to General Data Protection Regulations (GDPR).

NR3 is being hosted by National Anti-Fraud Network (NAFAN) Data and Intelligence Services and is supported by the LGA.

To be data compliant a number of changes need to be made in order to adopt NR3, these are as follows; the applicant must be informed:

- Of the existence of NR3 and that Bassetlaw District Council will consult the database in connection with their application and subsequent applications to renew.
- That their personal data will be place on the register if at any time their licence is revoked or renewal is refused.
- Of the contact details of the data protection office for Bassetlaw District Council, NAFAN and the Information Commissioner.
- That the information can be retained for up to 25 years.
- That they can lodge a complaint with the Information Commissioner.

The Principle Solicitor advised Members that the annual membership cost is £1,050. This cost can be recovered through licensing fees if the council uses the taxi/PHV database service alone. However, membership of NAFAN also entitles the council to access NAFANs other data intelligence services. The Principle Solicitor (Licensing and Regulatory) is currently in consultation with other departments of Bassetlaw District Council to see if they wish to utilise the service, it may then be possible to share the cost of membership across departments.

Elected Members agreed that the NR3 is good idea in order to increase taxi safety and the protection of the general public.

RESOLVED that:

1. The Council join NAFAN and utilise NR3 database as per the guidance document entitled *guidance on adopting the National Register of Taxi Licence Revocations and Refusals NR3*. Including uploading historical data and ongoing maintenance of the database.
2. The Hackney Carriage and Private Hire Licensing Policy be updated to reflect use of the NR3 database as part of the application process for combined HC/PHV licenses as per guidance document entitled *guidance on adopting the National Register of Taxi Licence Revocations and Refusals NR3*.
3. The application form for HC/PHV Drivers licence be updated to include information as to the use of NR3 and the relevant data protection information as detailed in the guidance document entitled *guidance on adopting the National Register of Taxi Licence Revocations and Refusals NR3*.

(b) Promotional Pitches – Retford and Worksop

Members were asked to consider the report on promotional pitches which is a new area of work the Licensing Department has taken responsibility for administrating and enforcing from 2nd July 2018.

Bassetlaw District Council is the licensing authority for both street and house to house collections. Any collection of money or sale of articles for a charitable purpose in a street will need a street collection permit from the council. Collectors must hold a written authorisation from the promotor of the collection and must produce it on request to a police officer or an authorised officer from the council.

Direct debit mandate collectors are not regulated by the law, they are therefore not subject to any licensing provision as prescribed by legislation. The authority has historically dealt with direct debit mandate collectors and other businesses of this nature by allocating them a promotional pitch in the town centre and charging them a daily rate of £67. This was managed by the Town Centre Manager and the Markets Team.

In 2017 the council stopped taking bookings for promotional pitches while specific terms and conditions for the use of pitches were drafted by the Councils Legal Department due to the dramatic increase in complaints. These complaints related to how the person working on the pitches engaged with the members of the public.

The Principle Solicitor (Licensing and Regulatory) advised that the Licensing Department have now taken responsibility to take control of promotional pitches and wants to formally set the fees for this. A copy of the proposed terms and conditions were appended in the report. These conditions are to control the behaviours of the person who is working on the promotional pitch by:

- Limiting the number of persons who are allowed to work on the promotional pitch to 2 persons.
- Adopt a 'no means no' approach to their work. This means if a member of the public says no, or does not engage with the person working on the pitch they cannot pursue them.
- Restricting the area in which the person working at the pitch can operate to 2 metres from the identified pitch boundary.

An electronic diary has been opened, which the Markets Team, Licensing Department and Customer Services have access too. Bookings of promotional pitches will be balanced so that the Town Centre does not have them every week.

The Licensing Committee has the power to set fees and charges for work which falls within the remit of the Licensing Department. The Principle Solicitor (Licensing and Regulatory) has reviewed the current fees and come up with fees that more accurately reflect the work required

by the department to arrange hire of a pitch. The proposed fees and charges were outlined to Members. It was noted that the weekend fee of pitch hire is higher than the weekday fee as it may require Enforcement Officers to work during the weekend.

An Elected Member raised a question regarding the process for poppy appeal collection. The Licensing Officer advised that this process is dealt with by a delegated decision. They will apply for a 3 week period to come into the town centre, when granted poppy collection can take place in the Town Centre at any time during the 3 week period.

The Principle Solicitor advised Members that there will be exemptions for charities providing that they can prove they are a charity.

RESOLVED that:

1. The Terms and Conditions of hire at Appendix A to the report be adopted.
2. The fees for all new promotional pitch bookings taken from 24th September 2018 be set as shown in paragraph 3.18 of this report.

24. 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 7.41pm.)