

LICENSING COMMITTEE

Minutes of the meeting held on Tuesday, 13th November 2019 at Retford Town Hall

Present: Councillor J Potts (Chair)
Councillors J R Anderson, G Clarkson, K M Greaves, S Isard, G Jones,
D R Pressley, H Richards, J M Sanger MBE, C Tindle.

Officers in attendance: S Bacon and L Dore.

(Meeting opened at 6.30pm).

(The Chair welcomed all to the meeting and read out the Fire Evacuation Procedure. She also enquired as to whether any member of the public wished to film the meeting or any part thereof; however, there were no members of the public present).

10. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor T P Eaton BCA.

11. 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.

12. MINUTES OF THE MEETING HELD ON 31st JULY 2019

RESOLVED that the Minutes of the meeting held on 31st July 2019 be approved.

13. MINUTES FOR ACTION

In reference to Minute No. 53, the Principal Solicitor (Licensing and Regulatory) (PS(LR)) advised that the applicant who proposed to appeal against the Licensing Committee's decision to revoke his Combined Hackney Carriage / Private Hire Drivers Licence at Mansfield Magistrates Court had withdrawn his appeal.

RESOLVED that the Minutes for Action be received.

14. OUTSTANDING MINUTES LIST

In reference to Minute No's. 35(b) Roadside Catering Policy, the PS(LR) advised that the proposed policy was ever changing. She had recently found out that VIA East Midlands had issued licences for roadside catering which conflicted with the Council's proposed changes. It was not certain at this stage what licences they were issuing and under what authority. In response to a question from a member of the Committee, the PS(LR) explained that a general roadside catering policy had been phased out, however, in 2015 the then Licensing Committee

considered suitable locations for roadside catering needed regulating and that this would also include street catering and markets. Only three vans selling burgers etc. are currently licenced. Those selling food on private land do not need licences and Environmental Health assess traders regarding a food hygiene rating.

In reference to 37(c) Hackney Carriage Scale of Fares – Larger Vehicles, the PS(LR) apologised for the delay in returning the report back to Committee due to bereavement. On 19th November she is to visit Pitt Taximeter Service, Nottingham, prior to presenting a report to the Committee at its January 2020 meeting.

In reference to 58(b) Driver Medical Review, a report is due back after 12 months and the PS(LR) anticipates presenting a report to the Committee at its March 2020 meeting.

RESOLVED that the Outstanding Minutes List be received.

15. REPORT(S) OF THE COUNCIL SOLICITOR

(a) Equality Act 2010 – Wheelchair Accessible Vehicles

Members were presented with a report which provided an update on the proposed policy changes in relation to a decision taken in June 2017 when the use of Sections 165 to 167, Equality Act 2010, were implemented by the Council. At the meeting in 2017, the Licensing Committee received a report from the Council Solicitor and resolved to publish a list of designated wheelchair accessible vehicles in accordance with S167 of the Act and also instructed officers to draft a policy governing the application process for an exemption certificate.

Hackney Carriage and Private Hire Licensing (HCPHL) is governed by an overarching policy in Bassetlaw introduced in 2016. The report proposed that instead of having a standalone policy in relation to wheelchair accessible vehicles, the HCPHL Policy is amended as a centralised document. A proposed addendum to make the relevant additions/changes to the Policy was appended to the report (Appendix C), along with a copy of the original June 2017 report (Appendix A), and extracts of the current areas of the policy which deal with Equality Act requirements (Appendix B).

The Licensing Department is in the process of publicising a list of wheelchair accessible vehicles which will be made available on the Bassetlaw District Council website. Operators will receive formal confirmation that their vehicle has been deemed appropriate for inclusion on the list and be asked to provide additional information to the Department to advise the size, weight and type of wheelchair their vehicle can accommodate. The PS(LR) will write to all drivers licensed by the Council to remind them of their obligations under the Equality Act.

Drivers are permitted under the Act to apply for an exemption from their duties of assistance to passengers in wheelchairs on medical or physical grounds. The report advised only one exemption had currently been issued by the Licensing Department and the PS(LR) added that a driver could be prosecuted for refusing to carry a passenger with disabilities without a medical exemption. In response to a question, the PS(LR) advised it is an offence not to offer reasonable assistance, to charge extra for providing any assistance or to refuse a fare from a disabled passenger.

RESOLVED that the changes to the Bassetlaw District Council Hackney Carriage and Private Hire Vehicle Licensing Policy in regard to Wheelchair Accessible Vehicles be implemented.

SECTION B – ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

None.

Other Decisions

None.

16. 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 6.55pm).

