

LICENSING COMMITTEE

Minutes of the meeting held on Wednesday 28th July 2021 at Worksop Town Hall

Present: Councillor J Potts (Chair)
Councillors T P Eaton, K Greaves, J Naish, C Plevin, D R Pressley and
N J Sanders.

Officers in attendance: S Bacon and E Hinsley.

(Meeting opened at 6.30pm.)

The Chair welcomed all to the first in person meeting for over a year and Councillor N J Sanders as the new Vice Chair. The Chair then read out the fire alarm/evacuation procedure. As there were no members of public present, there was no need to enquire whether any member of the public wished to film/record the meeting.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A Coultate, D Depledge, D J Merryweather, J M Sanger MBE and C Tindle.

2. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

(a) Members

Councillor D R Pressley declared a non-pecuniary interest in Agenda Item No. 8(a).

(b) Officers

There were no Declarations of Interest by officers.

3. CHANGE OF AGENDA ORDER

To accommodate the applicant present at the meeting, the Chairman announced a change of order to the Agenda therefore confidential Section B – Items for Discussion in Private would be considered before Section A – Items for Discussion in Public.

4. 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. 6a – Application for Combined Hackney Carriage / Private Hire Driver's Licence – Paragraph 1

Key Decisions

None.

Other Decisions

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

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

The Committee was asked to determine the application for a three-year Combined Hackney Carriage / Private Hire Drivers Licence.

The applicant was present and answered questions posed by Members in reference to the application. The applicant's business partner also spoke in support of the application.

RESOLVED that the applicant be granted a three-year Combined Hackney Carriage / Private Hire Vehicle Drivers Licence with a six month warning as to future conduct.

The public element of the Agenda was resumed.

6. MINUTES OF THE MEETING HELD ON 21ST APRIL 2021

RESOLVED that the Minutes of the meeting held on 21st April 2021 be approved.

7. MINUTES FOR ACTION

RESOLVED that the Minutes for Action be received.

8. OUTSTANDING MINUTES LIST

In reference to Minute No. 31 Street Trading Review, the Principle Solicitor (Licensing and Regulatory) (PS(LR)) had only recently returned from maternity leave and will be looking to undertake a review of Street Trading.

The Chair welcomed the PS(LR) back from maternity leave.

RESOLVED that the Outstanding Minutes List and updates be received.

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

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

(a) Review of Statement of Gambling Principles 2022 - 2025

The Committee was asked to approve the Council's draft revised statement of principles prior to statutory consultation.

The PS(LR) outlined that the Council is required to publish a Statement of Principles it proposes to apply when exercising its functions under the Gambling Act, which must be reviewed every three years. The current statement was due to expire in January 2022.

It was noted that minor amendments have been made to reflect changes in statutory guidance but the original policies had not been altered.

In response to questions the PS(LR) advised that the number of betting shops had remained similar during the eight years she had worked at the Council.

RESOLVED that:

1. The draft document be approved for circulation and consultation;
2. Should comments be received, the matter be brought back before Members for them to consider such comments and direct any changes be made;

3. Should no comments be received, the draft policy be referred to the full meeting of Council for implementation in January 2022.

Other Decisions

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

- (a) **Proposed Change of Provider for Practical Driving Tests for Hackney Carriage/ Private Hire Drivers**

Members were requested to appoint new providers for the practical driving assessment which is a requirement for applicants of Hackney Carriage/ Private Hire Vehicle Drivers Licences.

Local driving instructors had been conducting these tests previously. Since the pandemic these providers were no longer offering this service, which left Bassetlaw District Council without a provider to carry out assessments.

The report summarised two other providers which the PS(LR) had researched and were now presented to the Committee as possible alternatives: The Blue Lamp Trust and IAM Road Smart. Information on fees and length of assessment were also included.

The PS(LR) asked the Committee to consider appointing both providers for Taxi Driver Practical Driving Assessments to ensure the Council is not left without a provider in the future. This would also allow applicants choice based on lead time and appointment availability.

Members commented that it would be sensible to appoint two providers.

RESOLVED that both The Blue Lamp Trust and IAM Road Smart be appointed as the new providers for the practical driving assessment.

- (b) **Driver Medical Review**

The Committee was asked to review the organisation authorised by the Council to carry out Group 2 Medicals for applicants of Hackney Carriage/ Private Hire Vehicle Drivers Licences.

The PS(LR) advised that the usual medical centre that drivers attend for the medicals has been unavailable due to the COVID-19 pandemic. Drivers have been struggling to find alternative appointment slots and have been having to travel long distances. As no assurances can be given as to when this will change the PS(LR) had made enquiries into other providers.

The report summarised three other providers which the PS(LR) had researched and were now put to the Committee as possible replacements: Peter Smythe, D4Drivers and Dr Dykes. The report noted the appointment process for each provider and also the fee for undertaking each medical.

The PS(LR) proposed that the Committee approve two medical providers to ensure the Council is not left without a provider in the future and to avoid a situation where drivers are unable to get an appointment at a suitable time.

Members suggested appointing all three providers in order to assess the differences. The PS(LR) agreed that this was an option. Should Members decide to do this she could bring another report to Committee in future, at which point the Committee could decide if they wanted to continue with all three providers.

RESOLVED that Peter Smythe, D4Drivers and Dr Dykes be appointed to carry out Group 2 Medicals for taxi drivers on behalf of Bassetlaw District Council with a view to be reviewed in six months unless the PS(LR) feels the need to return to Committee sooner.

(a) Temporary Pavement Café Licences 2021

Members were presented with a report on Temporary Pavement Café Licences.

The PS(LR) reminded the Committee that a report was brought before them in July 2020, which proposed that the Council consider applications for temporary café pavement licences. The decision was taken not to charge for these licences as a way to provide initial assistance in the economic recovery of the hospitality sector.

All current licences expire on 30th September 2021. However there is draft statutory instrument, which if enacted, would allow businesses to apply for a second pavement licence.

The PS(LR) felt that due to the substantial amount of work involved in granting licences, the decision not to charge should be reviewed now that businesses have reopened. It was estimated that the cost to the Council was £102.37 per application. The maximum charge that could be made is £100.

Since 1st October 2020 the Licensing Department has granted ten temporary café pavement licences and two amendments.

RESOLVED that the Council charge a fee of £100 in respect of applications for Temporary Café Pavement Licences should the draft Statutory Instrument, referred to in the report, be enacted.

(b) Caravan Sites – Fit and Proper Person Test – Fee Policy Review

The Committee received a report on the proposed adoption of a procedure to assist in the assessment of 'Fit and Proper Persons' to manage a caravan site.

New legislation places a statutory duty on local authorities to undertake assessments of those persons nominated as site managers in order to ensure that they are 'fit and proper'. Where managers are approved their details will be entered onto a public register.

A copy of the draft procedure was appended to the report along with the revised Park Homes Fees Policy.

In response to questions the PS(LR) advised that there were currently ten licensed sites, sites with fewer than five caravans or wholly occupied by members of the same family were not licensable.

RESOLVED that:

1. The amendments to the Park Homes Fees Policy be approved (this includes the addition of fees in respect of the FPPA);
2. Members gives approval for the amendment/introduction of fees to commence immediately;
3. Authority is delegated to the Council Solicitor and Principal Solicitor (Licensing & Regulatory) to determine applications under the FPPA procedure and reviews of determinations under FPPA are delegated to Head of Corporate Services or Director of Corporate Resources;
4. Authority is further delegated to Principal Solicitor (Licensing & Regulatory), in consultation with the Chair of Licensing to make any minor amendments to the FPPA procedure that may be necessary when reviewed.

11. 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 7:36pm.)