

Licensing Committee

Minutes of the Meeting held on Wednesday, 17th April, 2024 at The Assembly Room, Worksop Town Hall, S80 2AH

Present: Councillor J Potts (Chair)

Councillors:

C Tindle	M Carroll
A Coultate	T P Eaton
D J Merryweather	F Merryweather
L A Sanders	D A Naylor
J M Sanger MBE	S E Shaw

Officers: S Bacon, R Colebourne, J Flynn and L Ridge.

(The meeting opened at 6.30 pm.)

49 Apologies For Absence

Apologies for absence were received from Councillor Henderson.

50 Declarations Of Interest By Members And Officers

50a Members

Councillor Tindle declared a pecuniary interest in item 5a Draft Street Trading and Collection Policy – Public Consultation Results and left the meeting for the discussion and decision.

50b Officers

J Flynn, Senior Licensing Officer declared a non-pecuniary interest in item 6e Review of Combined Hackney Carriage/Private Hire Drivers Licence and left the meeting for the discussion and decision.

51 Minutes Of The Meeting Held On 13th March 2024

Resolved that:

The minutes of the meeting held on 13th March 2024 be approved.

52 Outstanding Minutes List

Resolved that:

The outstanding minutes list be received.

53 Change of Agenda Order

Resolved that:

The following items be taken first on the Agenda:

- Amendments to Business and Planning Act 2020

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- Application to Display Signage on a Licensed Vehicle – Road Runner Private Hire
- Application to Display Signage on a Licensed Vehicle – Stephen Neal
- Draft Street Trading and Collection Policy – Public Consultation Results

54 Report(s) Of Council Solicitor

54a Amendments to Business and Planning Act 2020

Members received for consideration amendments to the Business and Planning Act 2020.

The Department for Levelling Up, Housing & Communities announced new provisions and guidance to the Business & Planning Act 2020. Applications under the Act will be processed by District and Borough Councils in two tier local authority areas

This Act sets out the process that must be followed in relation to processing an application. Once the information has been submitted to the local authority, the authority has 14 days from the day after the application is made to determine the application. It must also consult the Highways Authority and any other person it considers to be appropriate before determining the application. The entire process consists of 14 days for public consultation, and then 14 days to consider and determine the application after the consultation period.

If a determination is not made within these timescales then the licence will be deemed to be granted for two years.

Following the announcement it was confirmed that as of 31 March 2024 the act is now permanent.

Further to the direction of Department for Levelling Up, Housing & Communities the following changes were introduced:

- The Fee cap has been increased to £500 for a new application and £350 for a renewal application.
- The 5 Day consultation and 5 Day determination periods have both been increased to 14 Days.
- The duration of a licence has been changed to a maximum of 2 years.
- New enforcement powers have been granted to local authorities.

A copy of the notice and the guidance for Pavement Licences were appended to the report.

The current Temporary Pavement Licence Fee is £100 and is valid for a maximum of 12 months ending 30th September each year regardless of when it is granted.

It is expected that if the duration of the licence is increased to 2 years from the date of grant the Enforcement officer hours will only increase slightly.

To keep the costs down, it is recommended that ward members would only be consulted if there was a legitimate concern.

As the Act is now in force it is crucial that appropriate arrangements are made to enable the Council to immediately deal with any applications under the new legislation

Resolved that:

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Members agreed to increase the maximum duration of a Pavement Licence to 2 years from the date of issue and to implement a new scheme of fees and charges to cover the costs associated with the administration, consideration and compliance checks of Pavement Licences granted under the Business and Planning Act 2020

- (a) New Licence Application £500
- (b) Renewal of a Pavement Licence £350

54b Application to Display Signage on a Licensed Vehicle

Members considered a report from Road Runner Private Hire. The proprietor wished to make an application to display artwork on their licensed vehicles.

Road Runner Private Hire currently holds a licence for 1 Private Hire vehicle, PHV163. The proprietor wishes to place signage on the front door of his vehicles.

The proof of the proposed artwork was appended to the report.

The current Vehicle Licence Conditions state

Any advertisements on the vehicle shall be confined to a notice fixed to one or both front door panels of the vehicle containing the following information:-

- (a) Name of Operator and*
- (b) Telephone number of Operator*

The design of the notices shall be approved by the Council.

No other advertising material shall be exhibited on the vehicle without the prior written consent of the Council. Any requests for such consent shall be reserved for consideration and a decision by the Council's Licensing Committee.

Any proposed advertisements on the rear window of vehicles which shall cover the entire window shall use "Contra Vision" or similar technology to enable the driver to be able to see out of the rear window whilst allowing the advertisement to be seen from outside the vehicle. Details of the specification of the "Contra Vision" or similar technology shall be included with the application to the Council

Resolved that:

The committee grant the application to allow the operator to display the artwork on the licensed vehicles connected with Road Runner Private Hire.

54c Application to Display Signage on a Licensed Vehicle

Members considered a report from Mr Neal owner of Steve's Cabs. The proprietor wished to make an application to display artwork on their licensed vehicles.

Mr Neal (Steve's Cabs) currently holds a licence for 1 Hackney carriage vehicle, HCV050. The proprietor wishes to place signage on the 2 front doors of his vehicles.

The proof of the proposed artwork was appended to the report.

The current Vehicle Licence Conditions state

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Any advertisements on the vehicle shall be confined to a notice fixed to one or both front door panels of the vehicle containing the following information:-

- (a) Name of Operator and*
- (b) Telephone number of Operator*

The design of the notices shall be approved by the Council.

No other advertising material shall be exhibited on the vehicle without the prior written consent of the Council. Any requests for such consent shall be reserved for consideration and a decision by the Council's Licensing Committee.

Any proposed advertisements on the rear window of vehicles which shall cover the entire window shall use "Contra Vision" or similar technology to enable the driver to be able to see out of the rear window whilst allowing the advertisement to be seen from outside the vehicle. Details of the specification of the "Contra Vision" or similar technology shall be included with the application to the Council

Resolved that:

The committee grant the application to allow the operator to display the artwork on the licensed vehicles connected with Steve's Cabs.

54d Draft Street Trading and Collection Policy - Public Consultation Results

(Councillor Tindle declared a Pecuniary interest in this item and left the room)

At the Licensing Committee on 17 January 2024 Members approved the Draft Trading Policy and agreed to a period of public consultation from 6 February 2024 until 19 March 2024. A copy of the amended draft policy and relevant regulations were appended to the report.

A copy of the consultation letter which was appended to the report was sent to 67 recipients who were deemed to have an interest in the consultation. The consultation was also promoted across Bassetlaw District Councils Social Media Channels.

The 7 responses received to the consultation summary were appended to the report, most of which related to the mobile trading element of the policy.

If the policy is approved for implementation a new scheme of fees and charges will have to be approved by Licensing Committee who will have delegated authority to set licensing fees and charges.

Resolved that:

1. The Council Solicitor will amend the Draft Street Trading Policy to reflect:
 - (a) do not trade within 100 metres of the boundary of any school or college between the hours of 07:30 and 16:30pm Monday to Friday (without formal invitation from the establishment).
1. The final agreed version of the policy will be referred to the next Full Council for final approval.
2. The policy will be brought back to Licensing Committee in 12 months time for review.

55 Report(s) Of Council Solicitor

55a New Application for Combined Hackney Carriage / Private Hire Driver Licence

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(The Senior Licensing Officer who had prepared the report, left the meeting whilst Members were deliberating)

Members were presented with a report for consideration and determination of an application for a 3 year Combined Hackney Carriage/Private Hire Drivers Licence.

The Applicant attended the meeting to speak in support of the application. Members were afforded the opportunity to question the Applicant and considered the response given.

The Licensing Committee must satisfy itself that the applicant is a fit and proper person to hold a licence. In respect of applications for a Driver's Licence the Council shall not grant a driver's licence unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence.

The term 'fit and proper person' refers only to whether the applicant is fit and proper to drive a hackney carriage or private hire vehicle, or to act as an operator of a private hire vehicle. There is no definition of the term 'fit and proper'; this is for the Licensing Committee to determine. However, regard should be had to the applicant's driving standards and experience (Applicant's must have held a full driving licence for no less than one year prior to the application), his character (2 character references must be provided) and any relevant previous convictions. Regard will also be had to whether or not the applicant is physically and mentally fit to drive a hackney carriage or private hire vehicle (Applicant's must undergo and pass a medical examination, which the Applicant has done).

Resolved that:

The Applicant is a 'fit and proper person' to hold a 3 year combined Hackney Carriage/Private Hire Driver's Licence and approved the application for grant.

55b New Application for Combined Hackney Carriage / Private Hire Driver Licence

(The Senior Licensing Officer who had prepared the report, left the meeting whilst Members were deliberating)

Members were presented with a report for consideration and determination of an application for a 1 year Combined Hackney Carriage/Private Hire Drivers Licence.

The Applicant attended the meeting to speak in support of the application. Members were afforded the opportunity to question the Applicant and considered the response given.

The Licensing Committee must satisfy itself that the applicant is a fit and proper person to hold a licence. In respect of applications for a Driver's Licence the Council shall not grant a driver's licence unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence.

The term 'fit and proper person' refers only to whether the applicant is fit and proper to drive a hackney carriage or private hire vehicle, or to act as an operator of a private hire vehicle. There is no definition of the term 'fit and proper'; this is for the Licensing Committee to determine. However, regard should be had to the applicant's driving standards and experience (Applicant's must have held a full driving licence for no less than one year prior to the application), his character (2 character references must be provided) and any relevant previous convictions. Regard will also be had to whether or not the applicant is physically and mentally fit to drive a hackney carriage or private hire vehicle (Applicant's must undergo and pass a medical examination, which the Applicant has done).

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Resolved that:

The Applicant is a 'fit and proper person' to hold a 1 year combined Hackney Carriage/Private Hire Driver's Licence and approved the application for grant.

55c Review of Combined Hackney Carriage/Private Hire Drivers Licence

(The Senior Licensing Officer who had prepared the report left the meeting whilst Members were deliberating).

Members were presented with a report to review a Combined Hackney Carriage/Private Hire Drivers Licence.

The Licence Holder attended the meeting and spoke to explain their actions/conduct. Members were afforded the opportunity to put questions to the Licence Holder and considered the responses given.

Resolved that:

The committee considered the conduct of the Licence Holder and directed that the Council's Solicitor shall issue them a written warning as to their future conduct to stay on file for 12 months.

55d Review of Combined Hackney Carriage/Private Hire Drivers Licence

(The Senior Licensing Officer who had prepared the report left the meeting whilst Members were deliberating).

Members were presented with a report to review a Combined Hackney Carriage/Private Hire Drivers Licence.

The Licence Holder attended the meeting with their operator and spoke to explain their actions/conduct. Members were afforded the opportunity to put questions to the Licence Holder and considered the responses given.

Resolved that:

The committee considered the conduct of the Licence Holder and directed that the Council's Solicitor shall issue them a written warning as to their future conduct to stay on file for 12 months.

55e Review of Combined Hackney Carriage/Private Hire Drivers Licence

(The Senior Licensing Officer who had prepared the report and declared a non-pecuniary interest in the item left the meeting).

Members were presented with a report to review a Combined Hackney Carriage/Private Hire Drivers Licence.

The Licence Holder attended the meeting and spoke to explain their actions/conduct. Members were afforded the opportunity to put questions to the Licence Holder and considered the responses given.

Resolved that:

The committee considered the conduct of the Licence Holder and directed that the Council's

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Solicitor shall issue them a stern written warning as to their future conduct, which will reiterate concerns for public safety. The warning will remain on file for 12 months.

56 Any Other Business Which The Chair Considers To Be Urgent

The Chairman thanked Members for attending and closed the meeting.

(Meeting closed at 8.21 pm.)