

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the **GENERAL PURPOSES COMMITTEE** held on Thursday, 15 March 2018 in the Civic Suite, Castle House, Great North Road, Newark at 6.00pm.

PRESENT: Councillor Mrs R. Crowe (Chairman)
Councillor I. Walker (Vice - Chairman)

Councillors: Mrs K. Arnold, Mrs B.M. Brooks, Mrs I. Brown, D. Clarke, M.G. Cope, D.R. Payne, Mrs S.E. Saddington, Mrs S. Soar, K. Walker and B. Wells.

28. APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillors: Mrs S.M. Michael and Mrs A.A. Truswell

29. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

NOTED: that no Member or Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

30. DECLARATION OF INTENTION TO RECORD MEETING

NOTED: that an audio recording was to be made of the meeting by the Council.

31. MINUTES OF MEETING HELD ON 23 NOVEMBER 2017

AGREED (unanimously) that the Minutes of the meeting held on 23 November 2017 be approved as a correct record and signed by the Chairman.

32. REVIEW OF HACKNEY CARRIAGE & PRIVATE HIRE LICENSING POLICY AND GUIDANCE

The Committee considered the report presented by the Business Manager – Environmental Health & Licensing which sought to update Members on the completion of the consultation process on a revised Policy for Hackney Carriage & Private Hire Licensing.

The report set out that the last full review of the Policy had taken place in 2012 and that the current review had taken account of changes introduced by the Deregulation Act 2015, changes in best practice, changes previously agreed by Committee and had attempted to provide a more comprehensive guidance to applicants. It was noted that the draft Policy had been agreed by Members over a year ago but its introduction had been delayed to await the outcome of the Coroner's case into a taxi driving incident and changes to the taxi drivers' licensing process brought in by the Immigration Act. There had also been subsequent changes to the Equalities Act that had required small changes to the Policy. A summary of the main changes and the consultation undertaken were reported together with the proposed amendments.

In considering the report a Member commented that he had concerns in relation to some of the offences listed within the Policy as Major and Minor Traffic Offences. He stated that CD10 – Driving Without Due Care and Attention was listed as a major offence yet CU10 – Using a Vehicle with Defective Brakes, MS10 – Leaving a Vehicle in a Dangerous Position and TS30 – Failing to Comply with a “Stop” Sign were considered to be Minor Offences. He suggested that the Policy be amended to permit a margin of discretion for Members and Officers when considering an application rather than strictly adhering to the Policy as written. In response, the Business Manager advised that, as was the case now, if it was felt that there was a good reason for not adhering to the Policy then this was within the discretion of the Members.

A Member raised a query in relation to drivers who were registered within another local authority and whether they would be subject to the Policy. The Business Manager advised that drivers or vehicles licensed by another local authority would not be bound by the Policy as only the issuing authority could take action for any breach.

As a general comment a Member of the Committee referred to recent cases in the press of sexual grooming of young persons by taxi drivers and what, if any, reporting mechanisms were in place to inform Members if there were any concerns about drivers within the district. The Business Manager advised that the Council’s relevant policies had been updated following the revelations and findings from the subsequent reviews into child sexual exploitation and that there was a Corporate Safeguarding Group. He added that there was no specific reporting mechanism for the General Purposes Committee but that any concerns would be raised with the Chairman and Vice-Chairman thereof. Members agreed that the matter be referred to the Councillors Commission for consideration and that they be recommended to establish a protocol to include who would be responsible for ensuring that the relevant Members and Committees were informed should any issue arise.

AGREED (unanimously) that:

- (a) the comments received from the consultation exercise on the Hackney Carriage & Private Hire Licensing Policy be noted;
- (b) subject to any changes identified, the draft Hackney Carriage & Private Hire Licensing Policy and Guidance be adopted; and
- (c) a report be presented to the Councillors’ Commission to consider a protocol for informing Members about any safeguarding concerns and/or issues (including ones relating to child sexual exploitation) that may arise in their local area or the District generally.

33. JOINT ENFORCEMENT PROTOCOL

The Committee considered the report presented by the Business Manager – Environmental Health & Licensing which sought to update Members on the progress of the Joint Enforcement Protocol relating to taxis and for the formal adoption of the protocol.

The report set out the current laws surrounding the enforcement, by Authorised Officers, against vehicles or drivers licensed by that authority. Following discussions held with other Licensing Authorities in the county a draft Joint Enforcement Protocol was produced that would allow authorised Licensing Officers to take enforcement action against any driver or vehicle from an authority that had a reciprocal arrangement under the Protocol.

In relation to issues previously reported about HC/PH drivers operating in the district but licensed by Wolverhampton City Council, the Business Manager advised that the Licensing Manager from Nottingham City Council met regularly with Officers from Wolverhampton who were due to visit Nottingham. The Business Manager stated that he would request that they also visit the Newark & Sherwood district.

AGREED (unanimously) that:

- (a) the Joint Enforcement Protocol relating to Hackney Carriage & Private Hire Enforcement, subject to the following, be formally adopted:
 - (i) the enforcement powers of the Council under sections 53(3), 68 and 73 of the Local Government (Miscellaneous Provisions) Act 1976 shall be discharged by the Councils listed in the Schedule below pursuant to the provisions of section 101 of the Local Government Act 1972, such enforcement powers only to be exercised in respect of [Rushcliffe] licensed vehicles and drivers whilst operating within the boundary of the respective council and only to be exercised by the respective Council's authorised officers; and
 - (ii) the Business Manager - Environmental Health & Licensing be authorised to add to the Councils listed in the Schedule where considered expedient, subject to agreeing reciprocal arrangements with the relevant Council and subject to consultation with the Chairman and Vice-Chairman of General Purposes Committee; and
 - (iii) the Council agrees to accept a similar transfer of functions from any Council listed in the Schedule below.

Schedule

Ashfield District Council
Broxtowe Borough Council
Bassetlaw District Council
Gedling Borough Council
Mansfield District Council
Nottingham City Council
Rushcliffe Borough Council

34. REVIEW OF STATEMENT OF GAMBLING POLICY

The Committee considered the report presented by the Business Manager – Environmental Health & Licensing which sought the Committee’s approval of the timetable associated with the review of the Council’s Statement of Gambling Policy which the Council is required to review every three years under the Gambling Act 2005.

The report set out the responsibilities of the Council, as Licensing Authority, under the Gambling Act 2005 and that it was responsible for issuing licenses for premises on which gambling was carried out and not for operators or individuals concerned in carrying out a gambling business.

As noted in the report, the Act states that the Policy be reviewed as required and at least every three years with the current Policy being adopted in January 2016. A timetable for the review and consultation process was set out in paragraph 2.5 of the report together with a list of suggested consultees.

Specifically in relation to the list of suggested consultees, it was noted that there was reference to Licensing Solicitors. A Member of the Committee stated that this reference should be deleted and replaced by reference to the three local Law Societies, namely: Nottingham, Lincoln and Derby.

AGREED (unanimously) that:

- (a) the timetable for the review and consultation exercise for the Statement of Gambling Policy be approved; and,
- (b) the list of consultees be approved, subject to the deletion of reference to Licensing Solicitors and inclusion of the three local Law Societies, namely: Nottingham, Lincoln and Derby.

35. UPDATE ON PERFORMANCE AND ENFORCEMENT MATTERS

The Committee considered the report presented by the Licensing Manager in relation to the activity and performance of the Licensing Team with details of current ongoing enforcement issues.

Information contained in the report relating to the number of applications for grants and renewals of licences for Hackney Carriage; Private Hire; and Ambulance Drivers together with those for Hackney Carriage and Private Hire Vehicles. A note of ongoing enforcement activity was also listed with information as to what action had been taken to-date.

Also provided within the report was information relating to both street and house to house collections. Members were in agreement that the House to House Collection by Arthritis Research UK percentage returned to the Charity was very poor at only 12.92% and that they should not be issued with a licence in the future as per the Council’s policy of requiring that 80% of the collection must be returned to the Charity in question. It was noted that much of the £9,010.24 collected had been used to offset the running costs of their shop premises.

In relation to the Street Collection by the Newark & District Round Table, Officers advised that they had been reminded that their return detailing the amount collected, the percentage donated to the Charity, the overhead costs involved etc. remained outstanding. Members suggested that they be informed that failure to supply the information may impact on any future applications for a street collection licence.

AGREED (unanimously) that the report be noted.

36. EXCLUSION OF PRESS & PUBLIC

AGREED (unanimously) that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

37. MINUTES OF THE HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S SUB-COMMITTEES

NOTED the confidential minutes of the Hackney Carriage/Private Hire Driver's Sub-Committees held on 14 February 2018.

The meeting closed at 6.43pm

Chairman