



Civic Centre,  
Arnot Hill Park,  
Arnold,  
Nottinghamshire,  
NG5 6LU

# Agenda

## Environment and Licensing Committee

Date: **Tuesday 1 July 2014**

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Time: **10.30 am**

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Place: **Council Chamber**

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For any further information please contact:

**Lyndsey Parnell**

Members' Services Officer

0115 901 3910

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# Environment and Licensing Committee

## Membership

**Chair** Councillor Marje Paling

**Vice-Chair** Councillor Meredith Lawrence

Councillor Bruce Andrews  
Councillor Sandra Barnes  
Councillor Nicki Brooks  
Councillor Roxanne Ellis  
Councillor Tony Gillam  
Councillor Gary Gregory  
Councillor Cheryl Hewlett  
Councillor Mike Hope  
Councillor Barbara Miller  
Councillor John Parr  
Councillor Carol Pepper  
Councillor Stephen Poole

# AGENDA

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- 2 **To approve, as a correct record, the minutes of the meeting held on 10 June 2014.** 1 - 4
- 3 **Declaration of Interests.**
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Report of the Corporate Director
- 5 **Any other item which the Chair considers urgent.**
- 6 **Exclusion of the Press and Public.**  
  
To move that under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting during consideration of the ensuing report on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.
- 7 **Appeal against revocation of a Hackney Carriage/Private Hire Drivers Licence - MA** 9 - 10  
  
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- 10 **Application for a Hackney Carriage/Private Hire Drivers Licence - NM** 15 - 16  
  
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<b>12</b>	<b>Application for a joint Hackney Carriage/Private Hire Drivers Licence - MA</b>	<b>21 - 24</b>
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## **MINUTES ENVIRONMENT AND LICENSING COMMITTEE**

**Tuesday 10 June 2014**

Councillor Marje Paling (Chair)

Present: Councillor Bruce Andrews                      Councillor Cheryl Hewlett  
Councillor Sandra Barnes                              Councillor Mike Hope  
Councillor Nicki Brooks                                Councillor Carol Pepper  
Councillor Roxanne Ellis                              Councillor Stephen Poole

Absent: Councillor Meredith Lawrence, Councillor Tony  
Gillam, Councillor Gary Gregory, Councillor Barbara  
Miller and Councillor John Parr

Officers in Attendance: P Gibbs and D Blasdale

### **14 APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors Gregory, Lawrence, Miller and Parr.

### **15 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 13 MAY 2015.**

#### **RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record.

### **16 DECLARATION OF INTERESTS.**

None.

### **17 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.**

None.

### **18 EXCLUSION OF THE PRESS AND PUBLIC.**

#### **RESOLVED:**

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the

public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

**19 CHANGE OF CIRCUMSTANCE OF JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE- SR**

The Committee considered a report from Corporate Director, David Wakelin, regarding a change of circumstance of a Joint Hackney Carriage/Private Hire Driver's Licence from SR.

SR attended the meeting, represented by his solicitor who addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To revoke SR's Hackney Carriage/Private Hire Driver's License without immediate effect, on the grounds that he is no longer considered a fit and proper person and to give SR 21 days to surrender his licence.

Councillor Ellis entered the meeting.

**20 APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE- MH**

MH did not attend the meeting.

**RESOLVED:**

To defer consideration of the application for a Joint Hackney Carriage/Private Hire Driver's Licence from MH to a future meeting of the Committee. If MH does not attend his next appointment, his application will be treated as withdrawn.

**21 APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE- FH**

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from FH.

FH attended the meeting, accompanied by his Father who addressed the Committee on his behalf.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To approve FH's application for a Hackney Carriage/Private Hire Driver's Licence with a warning as to the necessary consequences of any further convictions or appearances before Committee.

**22 APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE- MA**

MA sent his apologies as he was unable to attend the meeting.

**RESOLVED:**

To defer consideration of the application for a Joint Hackney Carriage/Private Hire Driver's Licence from MA to a future meeting of the Committee. If MA does not attend his next appointment, his application will be treated as withdrawn.

**23 APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE- MN**

MN did not attend the meeting.

**RESOLVED:**

To defer consideration of the application for a Joint Hackney Carriage/Private Hire Driver's Licence from MN to a future meeting of the Committee. If MN does not attend his next appointment, his application will be treated as withdrawn.

**24 APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE- MA**

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from MA.

MA attended the meeting, accompanied by a friend who addressed the Committee on his behalf.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To approve MA's application for a Hackney Carriage/Private Hire Driver's Licence.

**25 APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE- CBA**

CBA did not attend the meeting.

**RESOLVED:**

To defer consideration of the application for a Joint Hackney Carriage/Private Hire Driver's Licence from CBA to a future meeting of the Committee. If CBA does not attend his next appointment, his application will be treated as withdrawn.

**26 APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE- SJ**

SJ did not attend the meeting.

**RESOLVED:**

To defer consideration of the application for a Joint Hackney Carriage/Private Hire Driver's Licence from SJ to a future meeting of the Committee. If SJ does not attend his next appointment, his application will be treated as withdrawn.

The meeting finished at 6.00 pm

Signed by Chair:  
Date:





## **Report to Environment and Licensing Committee**

**Subject:** Notices Served  
**Date:** 1<sup>st</sup> July 2014  
**Author:** Corporate Director

### **1. Notices served under the Environmental Protection Act 1990 Section 80**

Following complaints from a member of the public, a notice was served on the owner of a property on Brookwood Crescent, Carlton on 28<sup>th</sup> March 2014 to prevent the occurrence of a statutory nuisance from smoke and smells as a result of burning any materials on the premises. No further complaints have been received regarding this issue and officers are continuing to monitor compliance with this notice.

Following complaints from a member of the public, a notice was served on the owner of land on Killisick Lane, Arnold on 25<sup>th</sup> April 2014 due to an accumulation of bird and animal feed on the land. Officers will monitor the area for compliance with this notice.

Following complaints from a member of the public and a visit to the property on 15<sup>th</sup> April 2014, a notice was served on the owner of a property on Revena Close, Colwick on 16<sup>th</sup> April 2014 to clear away and properly dispose of the accumulation of household waste and furniture from the land. This notice was not complied with and works were carried out in default.

### **2. Notices Served under the Environmental Protection Act 1990 Section 92A(1)**

Following a routine walkabout by a Neighbourhood Warden on 5<sup>th</sup> March 2014, a notice was served on the owner of a property on Tilford Road, Newstead on 2<sup>nd</sup> April 2014 to clear the rear yard of litter and refuse and take steps to ensure that the land is prevented from being defaced in a similar way again. A visit was made to the premises on 15<sup>th</sup> May 2014 and it was noted that some items have been removed but a large amount of waste remains in situ and arrangements will now be made for works to be carried out in default.

### **3. Notices Served under the Food Safety and Hygiene (England) Regulations 2013 - Regulation 6**

Following an inspection of the premises on 14<sup>th</sup> January 2014, two notices were served on the owner of a premises on Victoria Road, Netherfield on 23<sup>rd</sup> January 2014, due to the lack of a written food safety management system being in place and inadequate food hygiene awareness among food handlers. These notices have both been complied with.

Following complaints from a member of the public and a visit to the premises on 10<sup>th</sup> & 11<sup>th</sup> March 2014, a notice was served on the owner of a premises on Oxclose Lane, Arnold on 13<sup>th</sup> March 2014 due to inadequate provision for the storage and disposal of food waste, a lack of cleanliness in the refuse store area and inadequate management of these issues. This notice has been complied with.

Following an inspection of the premises on 10<sup>th</sup> April 2014, five notices were served on the owner of a premises on Carlton Square, Carlton on 22<sup>nd</sup> April 2014 due to the poor condition and cleanliness of the premises, fixtures and fittings, inadequate food hygiene awareness among food handlers, inadequate training and management of food handlers, and a lack of a complete written food safety management system. This premises will be monitored for compliance with these notices.

Following an inspection of the premises on 22<sup>nd</sup> April 2014, a notice was served on the owner of a premises on Front Street, Arnold on 23<sup>rd</sup> April 2014 due to the lack of a written food safety management system being in place. This premises will be monitored for compliance with this notice.

Following an inspection of the premises on 8<sup>th</sup> May 2014, four notices were served on the owner of a premises on Private Road, Colwick on 14<sup>th</sup> May 2014 due to poor cleanliness of fixtures and fittings, poor cleanliness of the premises, inadequate provision for the storage and disposal of food waste, a lack of cleanliness in the refuse store area, and the lack of an appropriate written food management system being in place. This premises will be monitored for compliance with these notices.

#### **4. Notices Served under the Local Government (Miscellaneous Provisions) Act 1982 Section 29**

Following complaints from a member of the public and a visit to the property on 1<sup>st</sup> May 2014, a notice was served on the owner of a property on Main Street, Calverton on 6<sup>th</sup> May 2014 due to outbuildings at the property not being effectively secured against unauthorised entry. The necessary works have been completed and this notice has been complied with.

#### **5. Notices Served under the Housing Act 2004 Section 11**

Following complaints from the occupier and a visit to the property, a notice with four Category 1 schedules was served on the owner of a property on Standhill Road, Carlton on 8<sup>th</sup> May 2014 due to a lack of adequate heating, electrical hazards, inadequate provision of fire escapes and inadequate security at the property. This property will be monitored for compliance with this notice.

## 6. Notices Served under the Environmental Protection Act 1990 Sections 87 and 88

Under the above legislation it is an offence if any person throws down, drops or otherwise deposits litter on any public land. The Act also enables the local Authority to operate a fixed penalty scheme whereby the offender may be given the option for paying a fixed penalty within 14 days and so discharge any liability of conviction for that offence by the Court. The current level of fixed penalty is £50.00.

Enforcement has been carried out by Officers for the following offences:

Date of Offence	Location of Offence	Ward	Person Witnessing Offence	Fixed penalty served	Paid	Comments
12.04.2014	Carlton Hill, Carlton	Carlton Hill	Neighbourhood Warden	Y	N	Reminder sent
17.04.2014	Front Street, Arnold	St Marys	Neighbourhood Warden	Y	Y	
23.04.2014	Worrall Avenue / Front Street, Arnold	St Marys	Neighbourhood Warden	Y	N	Reminder sent
24.04.2014	Front Street, Arnold	St Marys	Neighbourhood Warden	Y	Y	
25.04.2014	Front Street, Arnold	St Marys	Neighbourhood Warden	Y	N	Reminder sent
25.04.2014	Front Street, Arnold	St Marys	Neighbourhood Warden	Y	N	Reminder sent
25.04.2014	Market Area, Front Street, Arnold	St Marys	Neighbourhood Warden	Y	N	Passed to Legal
25.04.2014	Eagle Square, Arnold	St Marys	Neighbourhood Warden	Y	N	Passed to Legal
25.04.2014	Nottingham Road, Arnold	Daybrook	Neighbourhood Warden	Y	N	False details
25.04.2014	Nottingham Road, Daybrook	Daybrook	Neighbourhood Warden	Y	Y	
25.04.2014	St Wilfrid's Square, Calverton	Calverton	Neighbourhood Warden	Y	Y	
25.04.2014	Nottingham Road, Arnold	Daybrook	Neighbourhood Warden	Y	N	Within 14-day period
26.04.2014	Curzon Street, Netherfield	Netherfield & Colwick	Neighbourhood Warden	Y	N	Passed to Legal
28.04.2014	Market Area, Front Street, Arnold	St Marys	Neighbourhood Warden	Y	Y	

28.04.2014	Eagle Square, Arnold	St Marys	Neighbourhood Warden	Y	N	False details
29.04.2014	Front Street, Arnold	St Marys	Neighbourhood Warden	Y	N	Within 14-day period
30.04.2014	Front Street, Arnold	St Marys	Neighbourhood Warden	Y	N	Within 14-day period
30.04.2014	Carlton Hill, Carlton	Carlton Hill	Neighbourhood Warden	Y	Y	
30.04.2014	Carlton Hill, Carlton	Carlton Hill	Neighbourhood Warden	Y	N	Within 14-day period
14.05.2014	Eagle Square, Arnold	St Marys	Neighbourhood Warden	Y	N	Reminder sent
14.05.2014	Front Street, Arnold	St Marys	Neighbourhood Warden	Y	N	Within 14-day period

The following cases under the above legislation have been referred to court:

Hearing Date	Case	Outcome
02.04.2014	Section 87 EPA	£100 fine, £180 costs, £20 victim surcharge
02.04.2014	Section 87 EPA	£100 fine, £180 costs, £20 victim surcharge

## 7. Notices Served under The Dogs (Fouling of Land) Act 1996

Under the above legislation it is an offence if any person allows their dog to foul and not clear it away forthwith. Neighbourhood Wardens have taken statements from members of the public who have witnessed dog-fouling offences and have taken appropriate action. The details of the cases are as follows:

Date of Offence	Location of Offence	Ward	Person Witnessing Offence	Fixed penalty served	Paid	Comments
06.05.2014	Station Road, Carlton	Carlton	Neighbourhood Warden	Y	N	Withdrawn on medical grounds

## 8. Recommendation

To note the contents of the report.

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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