



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

Agenda

Environment and Licensing Committee

Date: **Tuesday 7 July 2015**

Time: **4.15 pm**

Place: **Council Chamber**

For any further information please contact:

Lyndsey Parnell

Senior Elections and Members' Services Officer

0115 901 3910

Environment and Licensing Committee

Membership

Chair Councillor Marje Paling

Vice-Chair Councillor Nicki Brooks

Councillor Bruce Andrews
Councillor Sandra Barnes
Councillor Roxanne Ellis
Councillor Gary Gregory
Councillor Barbara Miller
Councillor John Parr
Councillor Carol Pepper
Councillor Alex Scroggie
Councillor Jane Walker

AGENDA

Page

- 1 Apologies for Absence and Substitutions.**
- 2 To approve, as a correct record, the minutes of the meeting held on 9 June 2015.** 1 - 4
- 3 Declaration of Interests.**
- 4 Item for information - Notices Served** 5 - 10

Report of Corporate Director - David Wakelin
- 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 Change of circumstance of Hackney Carriage/Private Hire Drivers Licence - DA** 11 - 12

Report of Corporate Director - David Wakelin
- 8 Change of circumstance of Hackney Carriage/Private Hire Drivers Licence - KLT** 13 - 16

Report of Corporate Director - David Wakelin
- 9 Application for a Hackney Carriage/Private Hire Drivers Licence - DAF** 17 - 20

Report of Corporate Director - David Wakelin
- 10 Application for a Hackney Carriage/Private Hire Drivers Licence - BSS** 21 - 24

Report of Corporate Director - David Wakelin

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MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 9 June 2015

Councillor Marje Paling (Chair)

Present: Councillor Nicki Brooks Councillor John Parr
Councillor Bruce Andrews Councillor Carol Pepper
Councillor Gary Gregory Councillor Alex Scroggie
Councillor Barbara Miller Councillor Jane Walker

Absent: Councillor Sandra Barnes and Councillor Roxanne Ellis

Officers in Attendance: P Gibbs, D Blasdale, L Mellors, S Steventon and H Cash

221 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillor Barnes.

Councillor Collis attended the meeting as a substitute for Councillor Ellis, who had given her apologies.

222 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 5 MAY 2015.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record subject to the following amendment:

Agenda Item 220 - The reference to "IM's" on the first line of the resolution be replaced with "IF's".

223 DECLARATION OF INTERESTS.

None.

224 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

225 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.

226 APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - PAC

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

PAC attended the meeting, accompanied by his partner.

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 refuse PACs application for a Hackney Carriage/Private Hire Driver's Licence on the grounds that he is not a fit and proper person.

PAC was advised of his right to appeal against the decision of the Committee.

227 APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - SMP

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

SMP attended the meeting.

In making its decision, the Committee applied the Council's approved Policy and Guidelines and took into consideration the circumstances of the event. 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 SMPs application for a Hackney Carriage/Private Hire Driver's Licence.

228 APPLICATION FOR RENEWAL OF JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE- SAN

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

SAN attended the meeting.

In making its decision, the Committee applied the Council's approved Policy and Guidelines and took into consideration the circumstances of the event. 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 SAN's application for a Hackney Carriage/Private Hire Driver's Licence.

229 CHANGE OF CIRCUMSTANCE OF HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE- BJS

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

BJS attended the meeting.

In making its decision, the Committee has applied the Council's approved Policy and Guidelines. On the basis of what it has heard, the Committee is satisfied on balance that exceptional circumstances exist which would warrant departure from this policy.

RESOLVED:

To suspend the Hackney Carriage/Private Hire Drivers Licence held by BJS for a period of 28 days, without immediate effect.

BJS was advised of his right to appeal against the decision of the Committee.

The meeting finished at 6.10 pm

Signed by Chair:
Date:

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Report to Environment and Licensing Committee

Subject: Notices Served

Date: 7 July 2015

Author: Corporate Director

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

Following several visits to the property, a notice was served on the owner of a property on Moor Road, Bestwood on 19th March 2015 to clear away and properly dispose of the accumulation of household waste and debris from the rear of the property. The notice has been complied with.

Following a visit to the property on 2nd April 2015, a notice was served on the owner of a property on Cavendish Road, Carlton on 10th April 2015 to cease causing noise nuisance from dog barking within 28 days. Monitoring continues for breach of the notice.

Following noise monitoring carried out and correspondence sent out, a notice was served on the owners of a property on Cavendish Road, Carlton on 1st May 2015 to immediately cease causing a noise nuisance by banging, thudding, shouting and loud voices. Monitoring continues for breach of the notice.

2. Notices Served under the Health and Safety At Work etc Act 1974, Section 2 (1)

Following a routine Food Health Hygiene Inspection on 1st June 2015, a notice was served on the owners of a property on Carlton Square, Carlton on 2nd June 2015 regarding defective flooring at the property. This premises will be monitored for compliance with this notice.

3. Notices Served under the Housing Act 2004, Sections 20 & 21 Prohibition Order

Following inspections on the property on 5th February and 12th February 2015, a notice was served on the owners of a property on Godfrey Street, Netherfield on 23rd February 2015 prohibiting its use as a dwelling due to inadequate fire separation and inadequate noise insulation. The property had previously been converted from a single dwelling into two flats. The order comes into force on 23rd March 2015 and the occupants of the property have moved out. The owner is in the process of converting the property back into a single dwelling house.

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

Following a visit to the property on 9th November 2014 regarding the safety and security of the building, a notice was served on the owner of a property on Broadway East, Carlton on 9th April 2015 to secure all entry points into the building so as to prevent unauthorised access into it. The work was carried out in default and the cost will be recovered.

A notice was served on the owner of a property on Cavendish Road, Carlton on 15th April 2015 to secure all entry points, doors and windows into the building so as to prevent unauthorised access. The notice has been complied with.

5. Notices Served under the Food Safety and Hygiene (England) Regulations 2013 – Regulation 6 – Hygiene Improvement Notice

Following routine food hygiene inspections, notices were served on the owner of a business on Victoria Road, Netherfield on 27th March 2015 relating to training, control of cross-contamination and a written food safety management system. The notices have been complied with.

6. Notices Served under the Town and Country Planning Act 1990, Section 330

Following complaints from members of the public and a visit to the site, a notice requesting information was served on the owner of a property on Northcliffe Avenue, Mapperley on 13th April 2015 regarding the detrimental affect the visual appearance of the land was having on the amenity of the area. To date this notice has not been complied with.

Following complaints from members of the public and a visit to the site, a notice requesting information was served on the owner of a property on Lilleker Rise, Redhill on 14th May 2015 regarding the detrimental affect the visual appearance of the land at the property and the property itself was having on the amenity of the area. The owner was required to complete and return the notice within 21 days of being served.

Following complaints from members of the public and a visit to the site, a notice requesting information was served on the owner of a property on Main Street, Woodborough on 20th April 2015 regarding the detrimental affect the visual appearance of the land was having on the amenity of the area. This notice has been complied with.

7. Notices Served under the Town and Country Planning Act 1990, Section 215

A notice was served on the owner of a property on Brookfield Road, Arnold on 13th May 2015 to cut down to ground level all uncultivated weeds, shrubs and trees to the rear, side and front of the property, remove all litter from the front and side of the property, repair or replace the damaged fencing to the front of the property in a manner that is not detrimental to the amenity of the trees and to dispose of all waste and arisings from works carried out to the site in an appropriate manner. The property is to be monitored for compliance with this notice.

A notice was served on the owner of land situated on Main Street, Woodborough on 14th May 2015 to remove and dispose of all waste material and litter within the perimeter of the site, to remove or

repair the eastern boundary wall along the edge of the site that faces Church Walk, to cut down to ground level and remove all uncultivated vegetation from the site, to remove or re-erect the temporary fence panels lying unused on the site and to dispose of all materials arising from works carried out on the site in an appropriate manner. The land is to be monitored for compliance with this notice.

8. Notices Served under the Prevention of Damage by Pests Act 1949, Section 4

Following a visit to the property on 2nd April 2015, and further to previous visits, a notice was served on the owner of a property on Glendale Close, Carlton on 7th April 2015 requesting that the owner does not deposit any food or feed directly to any part of, or in the vicinity of the land. Also to ensure that bird feed is not used to such excess or in such a manner as to be readily available to rats or mice on the said land and to clear up any spillages of food or feed from the land. To date this notice has not been fully complied with.

9. Issue of Simple Caution Following Obstruction of Officer under The Food Safety and Hygiene (England) Regulations 2013, Regulation 17

Following a planned routine Food Hygiene Inspection on a premises on Plains Road, Mapperley on 31st March 2015 where the owner prevented the Council's Officers from utilising their power of entry, a Simple Caution was issued to the owner on 28th April 2015. The owner attended a meeting at the Council's Offices on 7th May 2015 where they were administered with the caution.

10. 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
07/04/2015	Carlton Hill, Carlton	Carlton Hill	Neighbourhood Warden	Y	Y	
08/04/2015	Mapperley Plains, Mapperley	Plains	Neighbourhood Warden	Y	Y	
10/04/2015	Carlton Hill, Carlton	Carlton Hill	Neighbourhood Warden	Y	Y	
14/04/2015	Front Street,	Ernehale	Neighbourhood Warden	Y	N	file being prepared for

	Arnold					legal
16/04/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	Passed to Legal
17/04/2015	Wood Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	Passed to Legal
18/04/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	Y	
22/04/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	File being prepared for Legal
25/04/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	Passed to Legal
01/05/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	Y	
08/05/2015	Garnet Street, Netherfield	Netherfield	Neighbourhood Warden	Y	Y	
09/05/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	Y	
09/05/2015	Mapperley Plains, Mapperley	Plains	Neighbourhood Warden	Y	Y	
15/05/2015	Front St., Arnold	Ernehale	Neighbourhood Wardens	Y	N	File being prepared for legal
15/05/2015	Front Street, Arnold	Ernehale	Neighbourhood Wardens	Y	N	File being prepared for legal
15/05/2015	Mapperley Plains, Mapperley	Plains	Neighbourhood Wardens	Y	Y	
16/05/2015	Front Street, Arnold	Ernehale	Neighbourhood Wardens	Y	Y	
21/05/2015	Mapperley Plains, Mapperley	Plains	Neighbourhood Wardens	Y	Y	
30/05/2015	Front	Ernehale	Neighbourhood	Y	N	Extended until

	Street, Arnold		Wardens			6/7/15
08/06/2015	Front Street, Arnold	Ernehale	Neighbourhood Wardens	Y	N	Not due until 23/6/15
09/06/2015	Carlton Hill, Carlton	Carlton Hill	Neighbourhood Wardens	Y	N	Not due until 24/6/15
10/06/2015	Carlton Hill, Carlton	Carlton Hill	Neighbourhood Wardens	Y	N	Not due until 25/6/15
10/06/2015	Front Street, Arnold	Ernehale	Neighbourhood Wardens	Y	N	Extended until 10/7/15

11.1 Fly tipping Section 33 EPA 1990

Fly tipping is the act of depositing waste in or on any land that does not have a Waste Management license that permits the deposit. The definition of waste is simply any substance or object that the holder discards. (Throwing away waste on land that doesn't have a permit or permission.)

The following case under the above legislation has been referred to court:

Hearing Date	Case	Outcome
06/05/2015	Section 33 EPA	Conditional discharge for 6 months, £150 costs, £15 victim surcharge

12. Recommendation

To note the contents of the report.

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