



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

Agenda

Environment and Licensing Committee

Date: **Tuesday 8 September 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

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- 1 Apologies for Absence and Substitutions.**
- 2 To approve, as a correct record, the minutes of the meeting held on the 4 August and 11 August 2015.** 5 - 10
- 3 Declaration of Interests.**
- 4 Notices Served.** 11 - 14

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 Application to Renew Joint Hackney Carriage / Private Hire Drivers Licence No3203 - MS** 15 - 16

Report of Corporate Director - David Wakelin
- 8 Change of Circumstance of Hackney Carriage / Private Hire Drivers Licence No 2280 - MW** 17 - 20

Report of Corporate Director - David Wakelin
- 9 Change of Circumstance and Renewal of Hackney Carriage / Private Hire Drivers Licence No. 2404 - SS** 21 - 24

Report of Corporate Director - David Wakelin
- 10 Application for a Joint Hackney Carriage / Private Hire Drivers Licence - RIK** 25 - 34

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Report of Corporate Director - David Wakelin

MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 4 August 2015

Councillor Marje Paling (Chair)

Present: Councillor Nicki Brooks Councillor John Parr
Bruce Andrews Councillor Carol Pepper
Councillor Sandra Barnes Councillor Alex Scroggie
Councillor Roxanne Ellis Councillor Jane Walker
Councillor Barbara Miller

Absent: Councillor Gary Gregory

Officers in Attendance: P Gibbs, A Callingham, S Steventon and L Sugden

240 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Councillor Gary Gregory.

241 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 07 JULY 2015

RESOLVED:

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

242 DECLARATION OF INTERESTS.

None

243 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

244 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.

245 COMPLAINT RELATING TO HACKNEY CARRIAGE / PRIVATE HIRE DRIVER LICENCE NO 349-MH

The Committee considered a report from the Corporate Director, Dave Wakelin, regarding a complaint regarding MH received by the Council 10th February 2015.

MH attended the meeting and addressed the Committee.

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 no exceptional circumstances existed which would warrant departure from this policy.

RESOLVED:

To suspend the Hackney Carriage/ Private Hire Drivers Licence held by MH for a period of 14 days, without immediate effect.

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

246 CHANGE OF CIRCUMSTANCE OF HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE NO 2482- OA

The Committee considered a report from Corporate Director, Dave Wakelin, regarding a change of circumstances of a Joint Hackney Carriage/Private Hire of Licence from OA.

OA attended the meeting and addressed the Committee.

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 existed which warranted departure from this policy.

RESOLVED:

To suspend the Hackney Carriage/Private Hire Drivers Licence held by OA for a period of 28 days, without immediate effect; the driver was also given a warning.

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

**247 CHANGE OF CIRCUMTANCE OF HACKNEY CARRIAGE / PRIVATE
HIRE DRIVERS LICENCE NO.3421- IA**

IA did not attend the meeting.

RESOLVED:

To defer consideration of the application to a future meeting of the committee. If IA does not attend his next appointment, his application will be treated as withdrawn.

**248 CHANGE OF CIRCUMSTANCE OF HACKNEY CARRIAGE /
PRIVATE HIRE DRIVERS LICENCE NO 2404- SS**

SS did not attend the meeting but sent his apologies saying there had been a family crisis.

RESOLVED:

To defer consideration of the application to a future meeting of the Committee. If SS does not attend his next appointment, his application will be treated as withdrawn.

**249 APPLICATION FOR JOINT HACKNEY CARRIAGE / PRIVATE HIRE
DRIVING LICENCE- BSS**

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

BSS attended the meeting and addressed the Committee.

RESOLVED:

To defer consideration of the application to a future meeting to allow references to be obtained.

**250 APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE
HIRE DRIVERS LICENCE - JI**

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

JI attended the meeting and addressed the Committee

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 no exceptional circumstances existed which would warrant departure from this policy.

RESOLVED:

To approve the application in accordance with the policy.

251

**APPLICATION FOR JOINT HACKNEY CARRIAGE / PRIVATE HIRE
DRIVERS LICENCE - RIK**

RIK did not attend the meeting.

RESOLVED:

To defer consideration of the application to a future meeting of the Committee.

The meeting finished at 6.50 pm

Signed by Chair:
Date:

**MINUTES
ENVIRONMENT AND LICENSING COMMITTEE**

Tuesday 11 August 2015

Councillor Marje Paling (Chair)

Present: Councillor Nicki Brooks Councillor Barbara Miller
 Councillor Bruce Andrews Councillor Carol Pepper
 Councillor Sandra Barnes Councillor Alex Scroggie
 Councillor Roxanne Ellis

Absent: Councillor Gary Gregory, Councillor John Parr and
 Councillor Jane Walker.

Officers in Attendance: R Pentlow, L Mellors, K Nealon, S Steventon and
 L Sugden.

252 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillor Parr, Councillor Gregory and Councillor Walker.

Councillor Poole attended at the meeting as substitute for Councillor Walker who had given her apologies.

253 DECLARATION OF INTERESTS.

None.

**254 CHANGES TO THE STATEMENT OF POLICY AND GUIDELINES
FOR THE CONSIDERATION OF APPLICATIONS FOR HACKNEY
CARRIAGE/PRIVATE HIRE DRIVERS AND PRIVATE HIRE
OPERATORS**

The Licensing Section and Legal Services have reviewed the policy in consultation with the Chair and Vice Chair. Appendix 1 is the revised document which includes the changes that are being proposed.

RESOLVED to:

1. Approve the amendments to the Statement of Policy and Guidelines for the Licensing of Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators for consultation.
2. Approve, where the Corporate Director determines under his current delegation that an applicant is fit and proper to hold a

licence, he also has delegated authority to decide on the term of the licence (where the application is for 3 or 5 years).

255 PROPOSED TAXI LICENSING FEES FOR THE PERIOD OCTOBER 2015 TO MARCH 2016

To approve a proposed changes to taxi licensing fees for the remainder of 2015/16 as shown in Appendix 1, subject to advertisement requirements having being satisfied.

RESOLVED to:

1. Approve the fees for taxi operators and as detailed in Appendix 1 for 2015/16 for advertisement in accordance with the Local Government (Miscellaneous Provisions) Act 1976. If there are no objections then the proposed will automatically come into force after the statutory period. In the event that objections are received, the Corporate Director in consultation with the Chair of Environment and Licensing Committee be authorised to agree the final fees, after taking into account any comments received during the consultation period.
2. Approve the proposed fees for taxi driver's licences detailed in Appendix 1 for October to March 2015/16 for advertisement and the Corporate Director in consultation with the Chair of Environment and Licensing Committee be authorised to agree the final fees after taking into account any comments received during the consultation period.

256 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 4.55 pm

Signed by Chair:
Date:



Report to Environment and Licensing Committee

Subject: Notices Served
Date: 8th September 2015
Author: Corporate Director

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

Following complaints from members of the public and visits from the Police, a notice was served on the owner of a property on Oxengate, Arnold on 25th June 2015 regarding loud amplified music. The owner is required to prevent or stop the playing of music, the use of stereo equipment, television or any other electrical equipment capable of amplifying sound at such a volume as to cause a statutory noise nuisance to surrounding properties. The investigations is on-going.

2. Notices Served under the Housing Act 2004, Sections 8, 11, 28 and 29 (Hazard Awareness and Improvement Notices)

Following a number of inspections, notices were served on the owner of a property on The Beeches, Carlton on 3rd July 2015 relating to the insecure nature of the property, fire safety issues, pest control issues and structural repair. These notices have not been complied with and some of the works will be carried out in default.

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

Following a visit to the property on 29th July 2015 regarding the safety and security of the building, a notice was served on the owner of a property on Burton Road, Carlton on 29th July 2015 to secure all entry points into the building so as to prevent unauthorised access into it. The work was carried out and the notice complied with.

A notice was served on the owner of a property on Kelham Mews, Carlton on 5th August 2015 to secure entry to the garage so as to prevent unauthorised access. The notice has not been complied with and works will be carried out in default.

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

Following a routine food hygiene inspection on 9th June 2015, 2 notices were served on the owner of a business on Mansfield Road, Daybrook on 25th June 2015 relating to the lack of a documented food management system in operation, inadequate food hygiene training and the poor food hygiene and safety practices that are in place. Compliance of these notices is being monitored.

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

Following a visit to the property on 29th June 2015, a notice was served on the owner of a property on The Beeches, Carlton on 3rd July 2015 to carry out works to keep the property and land free from rats and mice. The notice has not been complied with and officers are now in the process of carrying out works in default of the notice. In this instance the owner will be charged for all works carried out by the Council.

Following discussions, a notice was served on the owner of a property on Kelham Mews, Carlton on 5th August 2015 requesting that all domestic refuse, furniture and other waste is cleared away from the garage and disposed of in an authorised manner. This notice has not been complied with and works will be carried out in default.

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
18/06/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	False details given by the offender and as such cannot be pursued further.
29/06/2015	Garnet Street, Netherfield	Netherfield	Neighbourhood Warden	Y	Y	15/04287/PFLEAS

01/07/2015	Emmanuel Avenue, Top Valley	Bestwood St Albans	Member of Public	Y	N	Reminder sent
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Date of Offence	Location of Offence	Ward	Person Witnessing Offence	Fixed Penalty Served	Paid	Comments
17/07/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	Y	
17/07/2015	Carlton Hill, Carlton	Carlton Hill	Neighbourhood Warden	Y	N	Payment due 31/08/15
17/07/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	Y	Payment due 7/9/15
25/07/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	Y	
29/07/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	Reminder sent
30/07/2015	Carlton Hill, Carlton	Carlton Hill	Neighbourhood Warden	Y	Y	
30/07/2015	Carlton Hill, Carlton	Carlton Hill	Neighbourhood Warden	Y	N	Payment due 25/09/15
31/07/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	Y	
01/08/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	Payment due 28/8/15
03/08/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	Reminder sent
05/08/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	Reminder sent
05/08/2015	High Street, Arnold	Ernehale	Neighbourhood Warden	Y	Y	

10/08/2015	Front Street, Arnold	Ernehale	Neighbourhood Wardens	Y	N	Payment due 30/9/15
10/08/2015	Front Street, Arnold	Ernehale	Neighbourhood Wardens	Y	N	

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

Hearing Date	Case	Outcome
24/07/2015	Section 87 EPA	£600 fine, £150 Prosecution costs, £60 victim surcharge
24/07/2015	Section 87 EPA	£45 fine, £150 Prosecution costs, £20 victim surcharge
24/07/2015	Section 34(6) EPA	£150 fine, £150 Prosecution costs, £20 victim surcharge

7. Duty of Care Section 34 EPA 1990

Duty of care is a legal duty on anyone who imports, produces, carries, keeps or disposes of controlled waste, to ensure that waste is transferred only to an authorised person such as a local authority, a registered carrier or a licensed disposer. (Residents must ensure that if they pass waste onto anyone (with or without payment) they must ensure that they check for a waste carrier's license to comply with their duty.)

The following case under the above legislation was recorded.

A resident of College Road, Mapperley received a caution on 28th July 2015 in relation to a Duty of Care offence.

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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