



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

# Agenda

## Environment and Licensing Committee

Date: **Tuesday 12 January 2016**

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Time: **4.15 pm**

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Place: **Council Chamber**

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For any further information please contact:

**Lyndsey Parnell**

Senior Elections and Members' Services Officer

0115 901 3910

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# Environment and Licensing Committee

## Membership

**Chair** Councillor Marje Paling

**Vice-Chair** Councillor Nicki Brooks

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

## **AGENDA**

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- 2 To approve, as a correct record, the minutes of the meeting held on 8 December 2015** 5 - 8
- 3 Declaration of Interests.**
- 4 Notices Served.** 9 - 12  
  
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 for a joint Hackney Carriage/Private Hire Drivers Licence - RT** 13 - 14  
  
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- 8 Application for a Hackney Carriage/Private Hire Drivers Licence - SM** 15 - 18  
  
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Report of Corporate Director - David Wakelin
- 11 Change of Circumstances of Hackney Carriage/Private Hire Drivers Licence and Renewal of Hackney Carriage/Private Hire Drivers Licence** 27 - 28

- KKJ

Report of Corporate Director - David Wakelin

12 **Application for a Hackney Carriage/Private Hire Drivers Licence - 29 - 30**  
**GSDMK**

Report of Corporate Director - David Wakelin

## **MINUTES ENVIRONMENT AND LICENSING COMMITTEE**

**Tuesday 8 December 2015**

Councillor Marje Paling (Chair)

Present: Councillor Nicki Brooks                      Councillor Carol Pepper  
          Councillor Sandra Barnes                 Councillor Alex Scroggie  
          Councillor Bob Collis                     Councillor Jane Walker  
          Councillor Gary Gregory

Absent:    Councillor Bruce Andrews, Councillor Barbara Miller  
  and Councillor John Parr

Officers in Attendance:            P Gibbs, L Mellors, F Whyley and K Nealon

### **290            APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillor Parr and Andrews.

Councillor Wilkinson attended the meeting as substitute for Councillor Miller, who had given her apologies.

### **291            TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 10 NOVEMBER 2015.**

#### **RESOLVED:**

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

### **292            DECLARATION OF INTERESTS.**

None.

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

The Chair informed the Committee of an additional report from the Corporate Director for a Joint Hackney Carriage/Private Hire Driver's Licence from RR.

### **294            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.

**295 CHANGE OF CIRCUMSTANCE OF JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVER - DWH**

Consideration was given to a report from Corporate Director, David Wakelin, regarding a complaint from Civil Enforcement Officer regarding an incident on the 23<sup>rd</sup> October 2015 of a Hackney Carriage/Private Hire Driver's Licence No. 974.

The Civil Enforcement Officer, Neighbourhood Warden and DWH attended the meeting and all 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 suspend the Hackney Carriage/Private Hire Driver's Licence held by DWH for a period 28 days, without immediate effect. DWH was given 21 days to surrender his licence.

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

**296 APPLICATION FOR A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE RR**

Consideration was given to an additional report by Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from RR.

RR attended the meeting and 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 exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To approve RR's application for a Hackney Carriage/Private Hire Driver's Licence for a period of 1 year.

Councillor Pepper left the meeting at 6.40pm.

**297 CHANGE OF CIRCUMSTANCE OF JOINT HACKNEY CARRIAGE DRIVER - NA**

Consideration was given to a report from Corporate Director, David Wakelin, regarding a change of circumstances of a Joint Hackney Carriage/Private Hire Driver's Licence from NA.

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

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

Councillor Barnes left the meeting at 7.08pm.

**298 CHANGE OF CIRCUMSTANCE OF JOINT HACKNEY CARRIAGE DRIVER - RI**

Consideration was given to a report from Corporate Director, David Wakelin, regarding a change of circumstances of a Joint Hackney Carriage/Private Hire Driver's Licence from RI.

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

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

**299**

**APPLICANT FOR A JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - FK**

Consideration was given to a report by Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from FK.

FK attended the meeting, and 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 exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To approve FK's application for a Hackney Carriage/Private Hire Driver's Licence for a period of 1 year.

The meeting finished at 7.50 pm

Signed by Chair:  
Date:





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

**Subject:** Notices served and enforcement carried out by officers within Public Protection

**Date:** 12<sup>th</sup> January 2016

**Author:** Corporate Director

### **1. Notices Served under the Housing Act 2004, Section 20 Prohibition Order**

Following a referral from the Housing Needs Department on 29<sup>th</sup> July 2015, a visit was made to a property on Okehampton Crescent, Mapperley on 6<sup>th</sup> August 2015. The property was found to be overcrowded due to a first floor room being less than the size required for use as a bedroom as stipulated under the Housing Act 1985. A formal inspection was made of the property on 2<sup>nd</sup> October 2015 (after the birth of the tenant's baby). A Prohibition Order was subsequently served on the owner of the property on 29<sup>th</sup> October 2015 to prohibit the use of the room as a bedroom. The order has been suspended until the tenant and her children move out into suitable, alternative accommodation, in order to prevent a situation of homelessness.

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

Following a routine food hygiene inspection of a premises on 13<sup>th</sup> October 2015, a number of problems were noted relating to the lack of use of the Food Safety Management System, food hygiene, cleanliness and drainage of the premises. 11 notices were subsequently served on the owner of the business on Front Street, Arnold on 20<sup>th</sup> October 2015. Upon re-inspection 5 of these notices were not complied with. The food business operator has been interviewed under caution and a file will be presented to legal services for consideration for prosecution. These premises scored a '0' on the food hygiene rating scheme.

Following routine food hygiene inspections of a premises on 28<sup>th</sup> and 29<sup>th</sup> October 2015, a number of problems were noted relating to the lack of the food safety management system on site, food hygiene, cleanliness of the premises and lack of suitable waste water drainage. 6 notices were subsequently served on the owner of the business on Front Street, Arnold on 3<sup>rd</sup> November 2015. To date these notices have been complied with. These premises were scored a '0' on the food hygiene rating scheme.

Following a visit to a premises on 8<sup>th</sup> September 2015, it was identified that 2 members of staff had still not completed food hygiene training, despite this lack of training having been raised at a previous

inspection on 13<sup>th</sup> August 2015. A notice was served on the owner of the premises on Rolleston Drive, Arnold on 9<sup>th</sup> November 2015 requesting that the chefs complete this training by 8<sup>th</sup> February 2016. These premises scored a '3' on the food hygiene rating scheme on their most recent inspection.

Following a routine food hygiene inspection of a premises on 12<sup>th</sup> November 2015, a notice was served on the owner of the premises on Howbeck Road, Arnold on 19<sup>th</sup> November 2015 relating to the lack of a Food Safety Management System in place. This notice has now been complied with. These premises scored a '1' on the food hygiene rating scheme.

Following a routine food hygiene inspection of a premises on 17<sup>th</sup> November 2015, a number of problems were noted relating to the cleanliness and tidiness of the premises, the general cleaning of articles and equipment, cross-contamination of food, structural issues, cleanliness of the rear yard area, lack of equipment and flooring in good repair and lack of management of food safety risks within the premises. 8 notices were subsequently served on the owner of the business on Front Street, Arnold on 24<sup>th</sup> November 2015. To date 4 of the notices have been complied with within the timescale and the remaining 4 notices have not yet expired. These premises scored a '1' on the food hygiene rating scheme.

### 3. Notices Served under the Public Health Act 1936, Section 83

Following an a visit to the property on 20<sup>th</sup> October 2015, a notice was served on the owner of a property on Valeside Gardens, Colwick on the same date to remove all food waste, refuse, appliances, furniture, clothing and textiles that are in a filthy or unwholesome condition from the property and to dispose of them in an appropriate and authorised manner. Also to clean and sanitise all filthy and unwholesome areas, surfaces and facilities and to render them to a wholesome condition that is fit for use and purpose. The notice was not complied with and the works were carried out in default.

### 4. 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
20/10/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	This case has been passed to the Legal team.

Date of Offence	Location of Offence	Ward	Person Witnessing Offence	Fixed Penalty Served	Paid	Comments
31/10/2015	Westdale Lane East, Carlton	Cavendish 3	Neighbourhood Warden	Y	N	This case has been passed to the Legal team.
07/11/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	Y	
16/11/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	The offender provided false details.
16/11/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	Y	
17/11/2015	Carlton Hill, Carlton	Carlton	Neighbourhood Warden	Y	Y	
17/11/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	This case has been passed to the Legal team.
17/11/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	N	Not due to expire until 04/01/2016
21/11/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	Y	
21/11/2015	Front Street, Arnold	Ernehale	Neighbourhood Warden	Y	Y	

The following cases were referred to court for offences under the Environmental Protection Act 1990 S.87. In each case the Council was successful and the fines, prosecutions costs and victim surcharge awarded to the council can be seen in the column marked 'Outcome'.

Hearing Date	Case	Outcome
27/11/2015	Section 87 EPA	£660 fine, £150 Court charges, £130 Prosecution costs and £66 victim surcharge
27/11/2015	Section 87 EPA	£660 fine, £150 Court charges, £130 Prosecution costs and £66 victim surcharge
27/11/2015	Section 87 EPA	£660 fine, £150 Court charges, £130 Prosecution costs and £66 victim surcharge
27/11/2015	Section 87 EPA	£660 fine, £150 Court charges, £130 Prosecution costs and £66 victim surcharge
27/11/2015	Section 87 EPA	£110 fine, £150 Court charges, £130 Prosecution costs and £20 victim surcharge

**5. 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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