

# Agenda

## Environment and Licensing Committee

Date: **Tuesday 1 November 2022**

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Time: **4.15 pm**

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Place: **Council Chamber**

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# Environment and Licensing Committee

## Membership

**Chair** Councillor Marje Paling

**Vice-Chair** Councillor Nicki Brooks

Councillor Pat Bosworth  
Councillor Rachael Ellis  
Councillor Des Gibbons  
Councillor Julie Najuk  
Councillor Alex Scroggie  
Councillor Martin Smith  
Councillor Sam Smith  
Councillor Clive Towsey-Hinton  
Councillor Paul Wilkinson

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## AGENDA

Page

- 1 **Apologies for Absence and Substitutions.**
- 2 **To approve, as a correct record, the minutes of the meeting held on 4 October 2022** 5 - 7
- 3 **Declaration of Interests.**
- 4 **Health and Safety Prosecution: P.S.Marsden (Lawnmower Services) Limited - Briefing Note** 9 - 10  
Report of the Litigation and Licensing Solicitor.
- 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 3 Year Joint Hackney Carriage / Private Hire Drivers Licence - (TZ)** 11 - 51  
Report of Head of Environment

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## MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 4 October 2022

Councillor Marje Paling (Chair)

Present: Councillor Nicki Brooks                      Councillor Alex Scroggie  
Councillor Pat Bosworth                      Councillor Martin Smith  
Councillor Rachael Ellis                      Councillor Clive Towsey-Hinton  
Councillor Des Gibbons                      Councillor Paul Wilkinson

Absent: Councillor Julie Najuk and Councillor Sam Smith

Officers in Attendance: C Allcock, J Brough, B Hopewell and R Pentlow

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

Apologies for absence were received by Councillors Najuk and Sam Smith.

### **8 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 6 SEPTEMBER 2022**

#### **RESOLVED:**

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

### **9 DECLARATION OF INTERESTS.**

None.

### **10 APPLICATION FOR STREET TRADING CONSENT AT EAGLES SQUARE ARNOLD**

Consideration was given to a report of the Corporate Director, which had been circulated in advance of the meeting, asking members to consider an application for a Street Trading Consent for the Arnold Market to trade in a consent street in Arnold as detailed at appendix 1 to the report.

The report also sought approval for the consent to be for a period until the end of January 2023 which is a departure from the Council's Street Trading Policy as detailed at Appendix 2 to the report.

**RESOLVED to:**

- 1) Approve the application made by Gedling Borough Council for a Street Trading Consent for the Arnold Market to trade in a consent street in Arnold as shown attached to the report.
- 2) Approve a departure from the Council's Street Trading Policy and that the consent be until the end of January 2023.

**11 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.**

None.

**12 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 reports involve the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

**13 CHANGE OF CIRCUMSTANCE OF JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE**

Consideration was given to a report of the Director of Environment Communities and Leisure, which had been circulated in advance of the meeting, regarding a change of circumstances following information received about the holder of a Joint Hackney Carriage/ Private Hire Driver's Licence.

FT attended the meeting and addressed the Committee.

In making the decision the Committee applied the Council's approved Policy and Guidelines.

**RESOLVED:**

To suspend FT's licence for 42 days.

FT was given 21 days to surrender his licence.

**14 APPLICATION FOR A THREE YEAR JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - ZHC**

Consideration was given to a report of the Corporate Director of Environment, Communities and Leisure, which had been circulated prior

to the meeting, regarding an application for a one year joint Hackney Carriage/Private Hire Driver's Licence for ZHC.

ZHC attended the meeting and addressed the Committee.

In making the decision the Committee applied the Council's approved Policy and Guidelines.

**RESOLVED:**

To refuse ZHC's application for a Joint Hackney Carriage/Private Hire Driver's Licence.

The meeting finished at 7.00 pm

Signed by Chair:  
Date:

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## Briefing Note to Environment and Licensing Committee

**Subject:** Health and Safety Prosecution: P.S.Marsden (Lawnmower Services) Limited

**Date:** 1 November 2022

**Author:** Litigation and Licensing Solicitor

### Purpose

To inform Members of a successful health and safety prosecution following an incident at P.S.Marsden (Lawnmower Services), Colwick Industrial Estate, Nottingham.

### Background

- 1.1 Members will recall that in January this year Committee gave approval for appropriate prosecution action to be taken following the receipt of a RIDDOR report in January 2021 from the company which reported a serious incident occurring on the 23 December 2021, involving a member of the public suffering a significant injury from a piece of machinery which occurred during a demonstration at the company's premises.
- 1.2 The customer had attended the premises for a demonstration of a 'Predator 360' stump grinder that he was considering buying. There was some difficulty in getting the machine started which led to three members of staff and the customer standing around the machine. The machine was eventually started but due to the location of the customer his trouser leg was sucked into the cutting blade causing severe lacerations to his left leg below and above the knee resulting in significant injuries including muscle damage, extensive blood loss and excruciating pain. The customer still has residual issues today.
- 1.3 The Council's Environmental Health Officers investigated and identified a number of breaches of health and safety legislation at the premises which led to/contributed to the incident. They were satisfied that there was no safe system of work in place for demonstrating machinery at the premises.
- 1.4 The case was heard at Nottingham Magistrates Court on the 10 October 2022. The company was fined £20,000 for the offence of not meeting the requirements of Section 3 of the Health and Safety at work Act etc 1974. Section 3(1) of the Act states that:

"It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his

employment who may be affected thereby are not exposed to risks to their health and safety”.

The company were also ordered to pay the Council just over £3,200 in prosecution costs.

1.5

Shortly after the incident the Company took the necessary action to rectify breaches identified. They also co-operated with the investigation of the offences.

### **Proposal**

2.1 The Environment and Licensing Committee notes the content of this report.

### **Alternative Options**

3.1 Not applicable

### **Financial Implications**

4.1 The Court awarded all of the Council’s prosecution costs a total of £3,213 which will be paid within 56 days.

### **Background Papers**

5.1 None

### **Recommendation(s)**

#### **THAT**

- (a) The Environment and Licensing Committee note the successful investigation and prosecution taken by officers.

### **Reasons for Recommendations**

To update the Environment and Licensing Committee of the successful prosecution of P.S.Marsden (Lawnmower Services) Limited.

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of the Local Government Act 1972.

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