

LICENSING AND APPEALS COMMITTEE

11 DECEMBER 2018

Present: Councillor D A Burnett BEM, Chair

Councillors: E H Atherton	R D MacRae
D Bagshaw	M E Plackett
S A Bagshaw (substitute)	M Radulovic MBE
E Cubley (substitute)	P D Simpson
T A Cullen	A W G A Stockwell
W J Longdon	

Apologies for absence were received from Councillors M J Crow, J C Patrick and K E Rigby.

15. DECLARATIONS OF INTEREST

Councillors R D MacRae and M Radulovic MBE declared pecuniary interests in agenda item no. 8 due to pre-determination, minute no. 21 refers.

16. MINUTES

The minutes of the meetings held on 18 and 25 September were confirmed as a correct record and signed.

17. SEX ESTABLISHMENTS PROCEDURES AND CONDITIONS POLICY – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (AS AMENDED), POLICING AND CRIME ACT 2009

The Committee considered the report proposing that the transitional arrangements of the above Acts in relation to the licensing of sex establishments be removed from the Broxtowe Borough Council's current policy.

RESOLVED that the Council's revised Sex Establishment Policy be approved.

18. EXCLUSION OF PUBLIC AND PRESS

RESOLVED that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Schedule 12A of the Act.

19. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

Members considered the report which sought a decision as to whether an applicant was a fit and proper person to hold a licence.

Due to the applicant arriving late for the hearing, they having understood the hearing to commence at 11.00am rather than 10.00am, the meeting was adjourned for ten minutes to allow for the applicant to appear in person. Additionally, to allow the applicant extra time to arrive at the meeting venue and to make efficient use of the Committee's time, agenda item 7 (minute no. 20 below refers) was considered prior to this agenda item (agenda item 6). It was also noted that Councillor Radulovic did not return to the Council Chamber following debate of agenda item 7 and was not therefore present during debate or voting on this item.

Members considered the representations made by the applicant, who appeared in person, the Council's licensing representative, the relevant legislation and the Council's Licensing Policy.

RESOLVED unanimously that the applicant is a fit and proper person to hold a hackney carriage/private hire driver's licence and the application be granted. However, the Committee considered that the three offences were very serious and advised the applicant to pay due care and attention whilst driving.

20. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

The Committee noted the report which advised of the revocation of a licence by the Head of Public Protection. The decision to revoke the licence was taken in light of information provided to the Council's Licensing Manager by the Nottinghamshire Safeguarding Board.

The Licensing Manager advised that at a follow-up meeting of the Safeguarding Board the previous week, the Police had disclosed that the person the subject of the licence revocation had been the subject of criminal investigation in respect of an allegation made by a subsequent employer and that a Court hearing was awaited in respect of that.

The Licensing Manager further advised that the DBS check undertaken by Broxtowe in respect of the applicant had come back clear, although information had been known to the Police which they had not disclosed to the Council and the reasons for this would be further explored with the Police.

Notwithstanding the report's recommendation asking the Committee to note the report, Councillor Radulovic proposed that the resolution should seek to

endorse members' whole-hearted support of the revocation of licence. Councillor M E Plackett seconded the proposal which, on being put to the meeting, was carried.

RESOLVED unanimously that the decision to revoke the hackney carriage/driver's licence be endorsed by the Committee.

21. APPEAL AGAINST STAGE 2 DECISION UNDER THE COUNCIL'S GRIEVANCE POLICY

Prior to discussion on the item, an amendment to recommendation 2 was tabled to remove the words 'or revoke' which had been included in error.

Members considered details relating to an appeal of a former employee in respect of the treatment of claims of outstanding leave upon termination of employment.

Outcomes were sought on three grounds of appeal.

RESOLVED that:

- 1. The Interim Monitoring Officer's decision be amended and the appellant be awarded the sum of £405 (minus tax and national insurance) in full and final settlement.**
- 2. The Interim Monitoring Officer's decision be upheld.**
- 3. The Interim Monitoring Officer's decision be upheld unanimously.**

(Having declared interests in the item, Councillor R D MacRae and Councillor M Radulovic MBE left the meeting prior to debate or voting on the item. Councillor M E Plackett had to leave the meeting for personal reasons during the Committee's deliberations on the item and therefore did not vote on it.)