

7 June 2016

Dear Sir/Madam,

GENERAL PURPOSES COMMITTEE & LICENSING COMMITTEE

Notice is hereby given that a meeting of the **General Purposes Committee** will be held in Room G21, Kelham Hall, Newark on Thursday, 16 June 2016 at **6.00pm**.

Notice is hereby given that a meeting of the **Licensing Committee** will be held in Room G21, Kelham Hall, Newark on Thursday, 16 June 2016 immediately following the General Purposes Committee.

Yours faithfully,



A.W. Muter
Chief Executive

A G E N D A

Page Nos.

1. Apologies

GENERAL PURPOSES COMMITTEE

2. Declarations of Interests from Members and Officers
3. Declaration of any Intention to Record Meeting
4. Minutes of the Meeting held on 17 March 2016

4 – 7

PART 1 – ITEMS FOR DECISION

- | | | |
|----|--|---------|
| 5. | Applications and Relevance of Convictions Policy | 8 – 27 |
| 6. | Face to Face Street Collections in Newark | 28 – 36 |

PART 2 – ITEMS FOR INFORMATION

- | | | |
|----|---|---------|
| 7. | Appeal Decision on the Revocation of a Hackney Carriage & Private Hire Driver's Licence | 37 – 38 |
|----|---|---------|

PART 3 - STATISTICAL AND PERFORMANCE REVIEW ITEMS

- | | | |
|----|---|---------|
| 8. | Update on Performance and Enforcement Matters | 39 – 41 |
|----|---|---------|

PART 4 – EXEMPT AND CONFIDENTIAL ITEMS**LICENSING COMMITTEE**

- | | | |
|----|---|---------|
| 1. | Declarations of Interests from Members and Officers | |
| 2. | Declaration of Any Intention to Record Meeting | |
| 3. | Minutes of the Meeting held on 17 March 2016 | 43 – 45 |

PART 1 – ITEMS FOR DECISIONS

- | | | |
|----|---|----|
| 4. | Licensing Act Training for Members and Officers | 46 |
|----|---|----|

PART 2 – ITEMS FOR INFORMATION

- | | | |
|----|--|---------|
| 5. | The White Hart, Newark – Outcome of Summary Review of Premises Licence | 47 – 54 |
| | (exempt) | 55 - 60 |

PART 3 – STATISTICAL AND PERFORMANCE REVIEW ITEMS

- | | | |
|----|---|---------|
| 6. | Update on Quarterly Performance and Enforcement Matters | 61 – 65 |
| 7. | Temporary Event Notices Received and Acknowledged Between 1 January and 31 March 2016 Inclusive | 66 – 72 |

PART 4 – EXEMPT AND CONFIDENTIAL ITEMS

None

GENERAL PURPOSES COMMITTEE

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the **GENERAL PURPOSES COMMITTEE** held on Thursday, 17 March 2016 in Room G21, Kelham Hall immediately following the meeting of the Licensing Committee.

PRESENT: Councillor Mrs R. Crowe (Chairman)

Councillors: Mrs K. Arnold, M.G. Cope, J. Lee, Mrs S.M. Michael, D.R. Payne, Mrs S. Soar, Mrs. L.M.J. Tift and I. Walker.

Prior to the start of the meeting the Chairman led the Committee in a minute's silence in memory of Councillor Gordon Brooks, a Member of the Committee, who had recently passed away.

26. APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillors: Mrs I. Brown, M. Buttery, Mrs B.M. Brooks, D.J. Clarke and P. Peacock.

27. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

NOTED: that no Member or Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

28. DECLARATION OF INTENTION TO RECORD MEETING

NOTED: that there would be an audio recording of the meeting.

29. MINUTES OF MEETING HELD ON 10 DECEMBER 2015

Minute No. 20 – Further Training

The Business Manager – Environmental Health & Licensing advised that discussions were progressing in relation to the provision of further training and Members would be advised of the dates of this when they had been confirmed.

AGREED that the Minutes of the meeting held on 10 December 2015 be approved as a correct record and signed by the Chairman.

30. REVIEWS OF POLLING STATION IN HOCKERTON POLLING DISTRICT

The Committee considered the report presented by the Business Manager – Democratic Services in relation to the proposed change of polling place in the Hockerton Polling District.

It was reported that the location of the previous polling station was unavailable and therefore an alternative venue had been sourced. The polling station was now to be sited at 'The Grange Wellbeing Centre', Kirklington Road, Hockerton.

The Business Manager also informed Members that it was necessary to make temporary changes to the polling station at Cromwell for both the May election and the June referendum and also at Rufford for the June Referendum.

AGREED (unanimously) that:

- (a) the Grange Wellbeing Centre, Hockerton be used as a polling place in the Hockerton Polling District; and
- (b) the temporary change of polling places in Cromwell and Rufford be noted and approved.

31. CHARITABLE COLLECTIONS AND RETURNS

The Committee considered the report presented by the Business Manager – Environmental Health & Licensing in relation to house to house and street collections that were carried out between 1 January and 31 December 2015 and the monies collected therefrom.

The report provided information as to the legislative requirements surrounding both house to house and street collections and also the Council's policies relating to both. Also listed within the report were the charitable returns of the collections which had taken place throughout 2015.

Members expressed concern about whether house to house collections created a nuisance as generally residents did not like anyone uninvited knocking on their doors. Concern was also expressed about the relatively small amounts collected. Officers advised that it was likely that the whole of the house to house returns noted at paragraph 3.2 were from the collection of textiles or bric a brac and did not involve cash. It was suggested that future reports reflect the type of collection that had taken place.

In relation to the returns reported from street collections, Members comments that all, apart from 2, had returned 100% to the Charity and that this was to be welcomed.

AGREED (unanimously) that:

- (a) the charitable returns information and guidance be noted; and
- (b) future reports advise of the type of house to house collection that had taken place e.g. textiles or bric a brac.

32. SAFEGUARDING ISSUES AND TAXI DRIVERS

The Committee considered the report presented by the Business Manager – Environmental Health & Licensing in relation to the steps taken to increase safeguarding controls for taxi drivers following the concerns highlighted in the Jay Report into child exploitation in Rotherham.

Contained within the report were the previously agreed actions of the Committee taken in June 2015 and the progress of these to-date. It was noted and welcomed by Members the positive response by the Council's licensed drivers in relation to undertaking the safeguarding training. Officers advised that the previously discussed issue of making the training mandatory was not required at present as all the sessions held so far had been over-subscribed. It was also noted that it was hoped that a session would be held in the Ollerton area and also that one would be held specifically for Ambulance Drivers.

AGREED (unanimously) that:

- (a) the update to safeguarding measures for taxi drivers be noted; and
- (b) the positive response of taxi drivers in relation to undertaking the safeguarding training be welcomed.

33. IMPLICATIONS OF THE CORONER'S DECISION ON TAXI LICENSING.

The Committee considered the report presented by the Business Manager – Environmental Health & Licensing in relation to the implications on the recommendations from the recent Nottinghamshire Coroner's Court decision.

The report provided details of the incident that had led to the Coroner's Court sitting and the Coroner's recommendations arising therefrom. Paragraph 3.0 of the report set out the 4 issues highlighted by the Coroner and the proposed solutions. Officers advised that the proposed solution to Issue 1 would be relatively easy to implement. Issue 4's solution was already in place but could be more formally implemented and enforced. In relation to Issue 2, it was felt that this would be difficult to enforce for self-employed drivers. The solution proposed for Issue 3 raised a number of concerns and cost implications therefrom.

Members unanimously agreed that the incident had been appalling but that the Coroner appeared to be overstretching her remit with her suggested solutions. It was noted that the Court had been adjourned and that it was likely this was due to the driver facing a criminal prosecution. Members stated that the Coroner's comments would be better addressed by central Government as it was more an issue of the current law than local policies and that any solution should be sought through the drafting of regulations.

In response to whether any local authority undertook drug testing of their drivers, Officers advised that they were not aware of any authority in the country being proactive in this regard. Officers added that any test would only be a snapshot of the driver on that given day and it was more appropriate to consider their previous convictions when determining their application.

In relation to a complaints log, Members felt that this was a good idea and that it would possibly encourage customers to report issues to the local authority. They queried whether there would be the chance of prosecution should a complaint be made to the local authority with no subsequent action taken and then an incident occurred. Officers advised that this could have implications for the local authority.

Officers advised that in relation to the use of a risk register the responsibility would lie with the employers and not the local authority.

It was suggested that the Coroner appeared to be trying to place the responsibility for the highlighted issues back with the local authority with Members agreeing that the matter be reviewed once the Coroner had made firm recommendations. Members agreed that in the interim, when the news about the positive response from taxi drivers undertaking the safeguarding training be reported in the Voice, information also be included that customers could contact the local authority with any concerns they may have.

AGREED (unanimously) that:

- (a) the comments of the Coroner be noted; and
- (b) a further report be presented to Committee following the receipt of any firm recommendations by the Coroner.

34. UPDATE ON PERFORMANCE AND ENFORCEMENT MATTERS

The Committee considered the report presented by the Licensing Manager in relation to the activity and performance of the Licensing Team and current ongoing enforcement issues.

Contained within the report was information as to applications received for: hackney carriage/private hire drivers; ambulance drivers' hackney carriage vehicles' and private hire vehicles. A note of returns for street and house to house collections was also provided. Paragraph 2.5 of the report set out the current enforcement issues giving details of: location; activity; date case opened; and what action had been taken to-date.

AGREED (unanimously) that the report be noted.

35. EXEMPTION OF PRESS & PUBLIC

AGREED that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

36. EXEMPT MINUTES OF HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE SUB-COMMITTEE HELD ON 22 FEBRUARY 2016

NOTED: the Exempt Minutes of the Hackney Carriage/Private Hire Vehicle Sub-Committee held on 22 February 2016.

The meeting closed at 6.42pm

Chairman

APPLICATIONS AND RELEVANCE OF CONVICTIONS POLICY

1.0 Purpose of Report

- 1.1 For Members to consider a revised Policy with regard to the relevance of convictions when considering applications for Taxi/Private Hire/Private Ambulance drivers.

2.0 Background Information

- 2.1 The Jay Report into historic child exploitation in Rotherham identified that more than 1,400 children were abused in Rotherham from 1997-2013. This report considers the Council's policy on the relevance of convictions when considering an application and before granting a drivers licence. This issue is of particular importance because the Jay Report stated that taxi drivers played a "prominent role" in the abuse which had therefore had a "significant impact" on public confidence in the town's drivers.
- 2.2 One of the items to emerge from Rotherham was their policy on the relevance of convictions and how the policy allowed many drivers with serious offences in their past to obtain a licence
- 2.3 Members are no doubt aware that taxi drivers must be considered 'fit and proper' before a licence can be granted and the consideration of any convictions or previous behaviour that gives cause for concern is one of the factors that is taken into account when assessing the application
- 2.4 The Nottinghamshire authorities have in the past sought to have a consistent approach towards the convictions policy, with the majority of the authorities adopting similar policies. In response to the Jay report and with a view to maintaining a county wide review of the convictions policy has taken place in order to ensure that it is fit for purpose and does not contain any loop holes that may allow applicants to succeed in their application despite their criminal past.
- 2.5 A new Relevance of Convictions Policy has now been drafted and a copy is set out at **Appendix 1**. It contains many of the same safeguards that were present in the old policy but is more prescriptive in terms of the offences and how they should be treated. For example the new policy differentiates between sexual offences and offences of indecency and deals with them in a different way.
- 2.5 The new policy should provide Members with clearer guidance when considering the relevance of offences.

3.0 Proposals

- 3.1 The revised guidance on the relevance of convictions will form part of the Council's overall policy on Hackney Carriage, Private Hire and Private Ambulance Licensing. Members are asked to consider the new policy on the relevance of convictions and propose any amendments or adopt the policy in full.

4.0 RECOMMENDATION

That Members are asked to consider the revised policy on the relevance of convictions and to approve with any suggested amendments.

Background Papers

Nil

For further information please contact Alan Batty telephone 01636 655467

Karen white
Director - Safety

Newark and Sherwood District Council Hackney Carriage and Private Hire

Relevance of Convictions Policy

1.0 Introduction

- 1.1 This policy provides guidance to the General Purposes Committee (and its sub-committee) and Officers with delegated powers on the criteria to take into account when considering the relevance of convictions in determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a Hackney Carriage and/or Private Hire driver or Operator Licence. Any decision made by the General Purposes Committee (and its sub-committee) and Officers with delegated powers will be made on the balance of probabilities and not beyond all reasonable doubt.
- 1.2 It is the responsibility of Newark and Sherwood District Council (referred to as the Council) to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. In exercising this duty the Council will consider the safety of the public as its primary consideration.
- 1.3 In seeking to safeguard the public, the licensing authority seek to ensure:
- That a person is a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
 - That the person does not pose a threat to the public
 - That the public are safeguarded from dishonest persons
 - The safety of children, young persons and vulnerable adults
- 1.4 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
- Applicants for a driver's licence
 - Existing licensed drivers whose licences are being reviewed
 - The holders of Private Hire Operators licences
 - Licensing officers
 - Members of the General Purposes Committee/sub-committee
 - Magistrates hearing appeals against local authority decisions

- 1.6 In considering this guidance the Council will be mindful that each case must be considered on its individual merits and, where the circumstances demand, the committee may depart from the guidelines. Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City v Mohammed Farooq (1998)]
- 1.7 In this policy the word “Conviction” is to be defined as including convictions, cautions, warnings, reprimands fixed penalty notices and other relevant information. In this policy ‘from date sentence has ended’ is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term ‘since completion of sentence’ is to be construed in a similar way.
- 1.8 In this policy the word applicant refers to either new applicants, or those existing licence holders who are seeking renewal, or when offences have come to light of existing licence holders

2.0 General Policy

- 2.1 Whilst the Council may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:
- a. Remain free of conviction for an appropriate period as detailed below; and
 - b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence).

Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

- 2.2 The Council may depart from this policy if good reasons exist. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances
- 2.3 Outstanding Charges or Summonses
- If an outstanding charge or summons involves a serious offence and/or the individual’s conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the

application should normally be put on hold until proceedings are concluded or the licence may be refused.

2.4 Non-conviction information

If an applicant has on one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application.

2.5 In assessing the action to take, the safety of the public must be the paramount concern.

2.6 Where an applicant has had a Hackney Carriage/Private hire driver's licence revoked by another local authority, the Council will not normally grant a licence until at least twelve months has elapsed since the revocation

3.0 Consideration of Applications

3.1 Applications will be referred for determination by the Council's General Purposes Committee in the following circumstances:

- where the applicant had been convicted of an offence other than infrequent minor traffic offences, within the five year period immediately preceding the date of the application. However a number of minor traffic offences may result in a reference to the committee as indicating recklessness;
- where the conviction(s) occurred outside the five year period referred to above but:-
 - the offence was of a particularly serious nature; or
 - there was a history of criminal convictions demonstrating a series of offences which had occurred with relative frequency over a period of years;
- where, in respect of motoring offences which were not spent, the applicant had incurred four or more penalty points in respect of any one offence or had incurred a total of seven or more penalty points; or
- where the Strategic Director (Corporate Services) considers that the offence(s) raised concern that the safety of the public might be put at risk.
- where information is revealed on a DBS check about behaviour which does not involve a conviction or caution for an offence but which the Business Manager – Environmental Health considers should be referred to the Committee.

3.2 When submitting an application for a licence to drive a hackney carriage, private hire vehicle or Ambulance vehicle, applicants are required to declare any convictions or formal cautions they may have.

- 3.3 Details of all convictions must be disclosed under the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002. This includes any convictions which would otherwise be “spent”, as taxi drivers do not have the protection afforded under the Rehabilitation of Offenders Act 1974 and accordingly full disclosure is required.
- 3.4 The disclosure of a criminal record or other information will not debar an applicant from gaining a licence unless the authority considers that the conviction affects whether they are fit and proper to hold a licence. In making this decision, the authority will consider the nature of the offence, how long ago and what age the applicant was when it was committed and any other factors which may be relevant in accordance with these guidelines and policy.
- 3.5 Any applicant refused a driver’s licence on the ground that he/she is not a fit and proper person to hold such a licence has a right of appeal to a Magistrates’ Court.

4.0 Powers

- 4.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if:
- the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence;
 - failure to comply with the provisions of the Town Police Clauses Act 1847;
 - failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
 - or any other reasonable cause.
- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a Private Hire Vehicle or Hackney Carriage driver’s licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. In accordance with this Act, all convictions, cautions, warnings and reprimands must be declared by the Applicant.
- 4.3 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to be satisfied that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Vehicle driver’s licence and/or Private Hire Vehicle Operator’s licence is a “fit and proper” person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will consider:
1. How relevant the offence(s) are to the licence being applied for
 2. How serious the offence(s) were

3. When the offence(s) were committed
4. The date of conviction
5. Circumstances of the individual concerned
6. Sentence imposed by the court
7. The applicant's age at the time of conviction
8. Whether they form part of a pattern of offending
9. Any other character check considered reasonable (e.g. personal references)
10. Any other factors that might be relevant, for example:
 - (a) The previous conduct of an existing or former licence holder,
 - (b) Whether the applicant has intentionally misled the council or lied as part of the application process,
 - (c) Information provided by other agencies / council departments.

It may also be appropriate to consider the sentencing powers engaged by the court in disposing of criminal proceedings and Judges reasons (obiter dicta) for coming to that decision.

- 4.4 Existing holders of driver's licences are required to notify the licensing authority in writing within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions). Failure to do so will raise concerns as to the honesty of the licence holder and may be taken into account as part of any subsequent renewal applications or reviews.
- 4.5 Applicants can informally discuss further what effect a caution/conviction may have on any application or existing licence by contacting the Licensing Service on 0115 981 9911 in confidence for advice. The Council will not be bound by any advice given and reserve its full powers
- 4.6 The Council conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver's licence. Applicants applying for the grant or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense, or subscribe to the update service and also at other times as determined by the Council.
- 4.7 The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities, and information disclosed by the police.

- 4.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Section 57(3) Local Government (Miscellaneous Provisions) Act 1976 Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 4.9 For renewal applications and current licence holders the guidance will not be applied retrospectively. The policy will be applied if any additional convictions are incurred or brought to the attention of the Council that would call into question a person's suitability to hold a licence.
- 4.10 Any offences not covered by this Policy will not prevent the Council from taking into account the offences.

5.0 Policy on immediate revocation/suspension of driver's licence

- 5.1 If the Council decides to revoke or suspend a driver's licence, it will then have to consider whether that revocation/suspension should take immediate effect under Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 452 The Council only has the power to resolve that the revocation/suspension will take immediate effect if it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect. The interest of public safety is not defined and is for the Council to determine. However, regard will be had to any risks to public safety arising from concerns about the licence-holder's driving standards, his character including but not limited to dishonesty, violent behaviour, involvement in drink or drugs, inappropriate sexual conduct, any relevant previous convictions and any other matters the Council may deem relevant.
- 5.3 Before reaching a decision, in most cases and where practical, the Council shall give the licence holder the opportunity to make representations as to whether or not the revocation/suspension will take immediate effect.
- 5.4 The overriding consideration shall always be the safety and protection of passengers and the general public.
- 5.5 Matters such as unemployment and home circumstances should not be taken into account when determining whether the revocation or suspension will take place immediately and therefore shall not outweigh the public safety factor.
- 5.6 Where the Council has decided that a licence-holder is no longer "fit and proper" to hold a licence, for reasons of public safety, the presumption will be that ~~require~~ the revocation of the licence shall have immediate effect.
- 5.7 If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, the Council will give notice to the driver,

which includes a statement to that effect and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

5.8 Appeals

Any applicant refused a driver's licence, or who has their licence suspended or revoked on the grounds that the licensing authority is not satisfied they are a fit and proper person to hold such a licence has a right to appeal to the Magistrate's Court within 21 days of the notice of refusal [Local Government (Miscellaneous Provisions) Act 1976, s77 (1)].

6.0 Considerations given to Offences

This section deals with the types of offences and applies to **new and renewal applications**, and upon **review** of a current licence.

6.1 Serious offences involving violence

Licensed drivers have close regular contact with the public. A firm line will be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

6.2 Unless there are exceptional circumstances a licence will **not normally** be granted where the applicant has a conviction for an offence such as:

1. Murder
2. Manslaughter
3. Manslaughter or culpable homicide while driving
4. Terrorism offences
5. Kidnapping or abduction
6. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.3 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) to those below unless at least **10 years** have passed since the completion of any sentence and /or licence period:

1. Arson
2. Malicious wounding or grievous bodily harm which is racially aggravated
3. Actual bodily harm which is racially aggravated
4. Grievous bodily harm with intent
5. Robbery
6. Possession of firearm
7. Riot
8. Assault Police

9. Common assault with racially aggravated
10. Violent disorder
11. Threats to kill
12. Resisting arrest
13. Hate crime against a person
14. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

6.4 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below unless at least **5 years** have passed since the completion of any sentence and/or licence period:

1. Racially-aggravated criminal damage
2. Racially-aggravated offence
3. Hate crime against property
4. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

6.5 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below unless at least **3 years** have passed since the completion of any sentence and/or licence period:

1. Common assault/Battery
2. Assault occasioning actual bodily harm
3. Affray
4. S5 Public Order Act 1986 offence (harassment, alarm or distress)
5. S4 Public Order Act 1986 offence (fear of provocation of violence)
6. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
7. Obstruction
8. Criminal damage
9. Harassment
10. Offences involving anti-social behaviour
11. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.6 A licence will not normally be granted if an applicant has more than one conviction in the last **10 years** for an offence of a violent nature.

6.7 In the event of a licence being granted, despite convictions against the Applicant, a strict warning both verbally and in writing should be administered. If a warning is issued, this will remain in place for a period commensurate with the time periods in the relevant sections above.

6.8 Possession of a weapon

If an applicant has been convicted of possession of a weapon or any other weapon related offence, depending on the circumstances of the offence, at least **3 years** must have passed since the completion of the sentence, before a licence is granted.

6.9 Sexual and indecency offences

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. All sexual offences should be considered as serious. Applicants with convictions for sexual offences will **normally be refused a licence upon application, renewal or review.**

Such offences include:

1. Rape
2. Assault by penetration
3. Offences involving children or vulnerable adults
4. Grooming, Trafficking or other Sexual Exploitation related offences (adults and/or children)
5. Making or distributing obscene material
6. Possession of indecent photographs depicting child pornography.
7. Sexual assault
8. Indecent assault
9. Exploitation of prostitution
10. Any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.10 In relation to indecency offences, an applicant should be free of conviction for at least **5 years** (or at least **5 years** must have passed since the completion of the sentence, whichever is longer), if he / she has a conviction for an offence such as:

1. Making indecent telephone calls
2. Importuning
3. Indecent exposure
4. Soliciting (kerb crawling)
5. Any similar offences (including attempted or conspiracy to commit) offences which replace the above.

6.11 A licence will **not normally be granted** if an applicant has more than one conviction for an indecency offence.

6.12 In addition to the above the licensing authority will **not normally grant a licence** to any applicant who is currently on the Sex Offenders Register or any other similar register.

6.13 Dishonesty

A licensed driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. For these reasons, a serious view is taken of any conviction involving dishonesty.

- 6.14 In general, a minimum period of **3 years** free of conviction or at least **3 years** have passed since the completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:

1. theft
2. burglary
3. fraud
4. benefit fraud
5. handling or receiving stolen goods
6. forgery
7. conspiracy to defraud
8. obtaining money or property by deception
9. other deception
10. taking a vehicle without consent
11. or any similar offences (including attempted or conspiracy to commit) offences which replace the above

- 6.15 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not normally be issued with a licence.

6.16 **Alcohol and Drugs**

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness, including drunk and disorderly or drunk and incapable, could indicate a medical problem necessitating critical examination and refusal of licence.

- 6.17 In addition, the applicant will normally be required to show a period of **10 years** has elapsed after completion of detoxification treatment if (s)he was an alcoholic.
- 6.18 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.
- 6.19 A licence will not normally be granted where the applicant has more than one conviction for offences related to the supply of drugs and has not been free of conviction for **10 years**.

- 6.20 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for **5 years**.
- 6.21 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last **3-5 years** may be granted a licence, but consideration should be given to the nature and quantity of the drugs.
- 6.22 If there is evidence of persistent drug use, misuse or dependency, a specialist examination (in accordance with the DVLA group two medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of **5 years** free from drug taking after detoxification treatment.

6.23 Driving offences involving the loss of life

A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. A licence will not normally be granted if the applicant has a conviction for:

1. Causing death by dangerous driving
2. Causing death by careless driving whilst under the influence of drink or drugs
3. Causing death by driving: unlicensed, disqualified or uninsured drivers
4. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

- 6.24 Before a licence is granted, an applicant should be free of conviction for **10 years** (or at least **10 years** must have passed since the completion of the sentence, whichever is longer) if the applicant has a conviction for:

1. Causing death by careless driving
2. Causing death by driving: unlicensed, disqualified or uninsured drivers.

6.25 Driving offences involving alcohol and/or drugs

A serious view will be taken of convictions of driving, or attempting to drive, or being in charge of a vehicle while under the influence of drink or drugs. Where a disqualification has occurred as a result of a drug or drink-driving offence, at least **5 years** free of conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.

- 6.26 More than one conviction for this type of offence or one such offence within the last **5 years** is likely to merit refusal.

In addition, applicants will normally be required to show a period of at least **5 years** has elapsed after completion of detoxification treatment if (s)he was an alcoholic or drug addict.

6.27 Appendix one sets out the traffic offences related to in this section.

6.28 Major Traffic Offences

Subject to the above paragraphs an isolated conviction for a major traffic offence, without disqualification, such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. However, where the conviction is within **6 months** prior to the date of the application the application will normally be refused.

6.29 In cases of disqualification at least **3 years** free from conviction after the restoration of the DVLA licence should normally elapse before an applicant is granted a licence.

6.30 Where an applicant has been convicted of a major traffic offence which has not resulted in disqualification, careful consideration should be given to the circumstances surrounding the offence. An application for a licence will normally be refused where the offence occurred less than **2 years** prior to the application.

6.31 Where an existing licence holder is disqualified from driving as a result of a conviction for a major traffic offence, the licence will normally be revoked.

6.32 Where an existing licence holder is convicted of a major traffic offence, but the licence-holder is not disqualified from driving, the licence should normally be revoked or not renewed and any subsequent application for a new licence will be determined in accordance with the guidance above.

6.33 A list of offences to which this section applies is attached as Appendix two

6.34 Minor Traffic Offences

Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account. If there are several minor traffic offences the applicant will normally be expected to show a period free of conviction of at least 6 months.

6.35 An application with a points total **above 7** will merit further consideration. A licence will normally be refused where the applicant has **12 or more penalty points** on his DVLA licence for minor traffic offences but has not been disqualified from driving.

- 6.36 Where an offence has resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard.
- 6.37 Generally, a period of **12 months** free from conviction must have elapsed from the restoration of the DVLA licence.
- 6.38 Where an existing licence holder is disqualified from driving the licence will normally be revoked by the Director- Safety under delegated powers.
- 6.39 A list of offences to which this section applies is attached as **Appendix three**

6.40 Totting Up Disqualifications

- 6.41 Where a number of traffic offences has resulted in a driver receiving **12 penalty** points or more on his/her licence the driver will be disqualified from driving unless the Court is satisfied that exceptional hardship would be suffered by an individual if disqualified. This is known as a "totting-up" disqualification. Where an applicant has a totting-up disqualification an application will usually be refused until a period of between **12 months and 2 years** has lapsed from the restoration of the DVLA licence depending on the seriousness of the offences which led to the totting up.
- 6.42 Where an existing licence holder is disqualified from driving as a result of a totting up, the licence will normally be revoked.

6.43 Hybrid traffic offences

Offences of the type listed in Appendix three will be treated as **major** traffic offences if the court awarded **4** or more penalty points for the offence and as **minor** traffic offences if the court awarded **3** or less penalty points for the offence.

- 6.44 Any applicant who has committed an offence of plying for hire within 6 months of their application will normally be refused a licence. Any existing licence holder found to have committed this offence will be judged on the circumstances of the case, and at the least suspension of the licence should be considered. Where a driver is convicted on more than one occasion the licence may be revoked or not granted. Consideration will be taken if the offence of plying for hire was accompanied by the fact that at the time there was no insurance cover in place for the vehicle in line with 5.46 below. It will be up to the applicant to prove that there was valid insurance in place at the time of the offence.

6.45 Insurance Offences

A serious view will be taken of convictions of driving a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted

provided he/she has been free of conviction for **3 years**. However, strict warning should be given as to future behaviour. More than one of these offences would normally prevent a licence being granted or renewed. Isolated incidents associated with a licensing offence will not necessarily prevent a licence being granted or renewed. Each case will be prevented on its merits.

- 6.46 At least **3 years** should elapse (after restoration of the DVLA driving licence), before a licence would normally be granted for a HC or PH drivers licence. An operator found guilty of aiding and abetting the driving passengers for hire and reward whilst without insurance will have his operator's licence revoked immediately and prevented from holding a licence for **3 years**.

DRAFT

MAJOR TRAFFIC OFFENCES

- AC10 Failing to stop after an accident
- AC20 Failing to give particulars or to report an accident within 24 hours
- AC30 Undefined accident offences

- BA10 Driving while disqualified by order of court
- BA30 Attempting to drive while disqualified by order of court
- BA40 Causing death by driving while disqualified
- BA60 Causing serious injury by driving while disqualified

- CD10 Driving without due care and attention
- CD20 Driving without reasonable consideration for other road users
- CD30 Driving without due care and attention or without reasonable consideration for other road users
- CD40 Causing death through careless driving when unfit through drink *
- CD50 Causing death by careless driving when unfit through drugs *
- CD60 Causing death by careless driving with alcohol level above the limit *
- CD70 Causing death by careless driving then failing to supply a specimen for analysis *
- CD80 Causing death by careless or inconsiderate driving *
- CD90 Causing Death by driving: unlicensed, disqualified or uninsured drivers *

- DD40 Dangerous driving
- DD60 Manslaughter or culpable homicide while driving a vehicle *
- DD80 Causing death by dangerous driving *
- DD90 Furious driving
- DG60 Causing death by careless driving with drug level above the limit*

The above offences marked * are dealt with in the section entitled driving offences involving the loss life

- DR10 Driving or attempting to drive with alcohol level above limit +
- DR20 Driving or attempting to drive while unfit through drink +
- DR31 Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity
- DR40 In charge of a vehicle while alcohol level above limit +
- DR50 In charge of a vehicle while unfit through drink +
- DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
- DR61 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive +
- DR70 Failing to provide specimen for breath test +
- DR80 Driving or attempting to drive when unfit through drugs +
- DR90 In charge of a vehicle when unfit through drugs +

DG10 Driving or attempting to drive with drug level above the specified limit

DG40 In charge of a vehicle while drug level above the specified limit

The above offences marked + are dealt with in the section entitled alcohol and drugs

IN10 Using a vehicle uninsured against third party risks

LC20 Driving otherwise than in accordance with a licence

LC30 Driving after making a false declaration about fitness when applying for a licence

LC40 Driving a vehicle having failed to notify a disability

LC50 Driving after a licence has been revoked or refused on medical grounds

MS50 Motor racing on the highway

UT50 Aggravated taking of a vehicle

TT99 signifies a disqualification under the totting up procedure 12 or more points within three years

MINOR TRAFFIC OFFENCES

- CU10 Using vehicle with defective brakes
- CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
- CU30 Using a vehicle with defective tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
- CU80 Using a mobile phone while driving a vehicle

- MS10 Leaving a vehicle in a dangerous position
- MS20 Unlawful pillion riding
- MS30 Play street Offences
- MS40 Driving with uncorrected defective eyesight or refusing to submit to a test
- MS60 Offences not covered by other codes
- MS70 Driving with uncorrected defective eyesight
- MS80 Refusing to submit to an eyesight test
- MS90 Failure to give information as to the identity of driver etc.

- MW10 Contravention of Special Road Regulations (excluding speed limits)

- PC10 Undefined contravention of Pedestrian Crossing Regulations
- PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle
- PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle

- SPI0 Exceeding goods vehicle speed limit
- SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
- SP30 Exceeding statutory speed limit on a public road
- SP40 Exceeding passenger vehicle speed limit
- SP50 Exceeding speed limit on a motorway
- SP60 Undefined speed limit offence

- TS10 Failing to comply with traffic light signals
- TS20 Failing to comply with double white lines
- TS30 Failing to comply with a "Stop" sign
- TS40 Failing to comply with direction of a constable/ warden
- TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
- TS60 Failing to comply with school crossing patrol sign
- TS70 Undefined failure to comply with a traffic direction sign

HYBRID TRAFFIC OFFENCES

- CU10 Using vehicle with defective brakes
- CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
- CU30 Using a vehicle with defective tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers

- SP10 Exceeding goods vehicle speed limit
- SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
- SP30 Exceeding statutory speed limit on a public road
- SP40 Exceeding passenger vehicle speed limit
- SP50 Exceeding speed limit on a motorway
- SP60 Undefined speed limit offence

Other non endorsable motoring offences i.e. no MOT

NOTE:

All offences in Appendix One to Three may also the following codes

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

FACE TO FACE STREET COLLECTIONS IN NEWARK

1.0 Purpose of Report

- 1.1 To inform Committee of the Face to Face Street Collections Agreement that has been made between Newark Town Council and the Public Fundraising Association.

2.0 Background

- 2.1 A Street Collection Permit is required to collect money or sell articles for the benefit of any charitable, benevolent or philanthropic purpose in any street or public place. Collectors should have sealed collecting tins stating which organisation they are collecting on behalf of and should not act in any such manner as to cause, or likely to cause danger, obstruction, inconvenience or annoyance to any person. Street collections are governed by Section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916 as amended by Section 251 and Schedule 29 to the Local Government Act 1972.
- 2.2 Street collections in the town of Newark are restricted to 19 per year in total. Newark Town Council is consulted on applications received. Newark Town Council have adopted a policy for determining street collection applications.
- 2.3 in recent times charities have used face to face collectors to obtain charitable donations by the collection of bank details to enable donations to be paid by direct debit mandate. As no cash collection is taking place this type of charitable collection is exempt from the street collection licensing regime.
- 2.4 The Public Fundraising Association (PFRA) is a standards and membership body for organisations carrying out face to face fundraising activities. The PFRA provides a bridge between councils and charities practising F2F, maintaining professional standards and providing a fair allocation of fundraising on the ground. We work with local authorities to set up co-regulatory agreements which ensure fundraising in local areas is proportionate.
- 2.5 In the absence of legislation applying to direct debit forms of fundraising, the PFRA work with local authorities to establish co-regulatory agreements. These agreements set controls on where and when fundraising can take place. .
- 2.8 Newark Town Council via the District Council's Business Manager - Car Parks & Markets have established such an Agreement for Newark town centre. The Agreement permits face to face fundraising in Newark Town centre subject to the following conditions

To take place on Stodman Street between the NatWest bank and EE shop
Only two fundraisers at any one time
3 days per week except Wednesday and Saturday

2.9 The PFRA carry out a programme of spot checks, mystery shopping and co-regulation with our Council partners to ensure that fundraisers are sticking to the terms of the agreement. Breaches of the conditions of the agreement attract penalty points under our penalties and sanctions regime. Through these agreements, we are aiming to balance the duty of charities to ask the public for support with the right of the public not to be put under undue pressure to give.

2.10 A copy of the agreement is attached as **Appendix One**.

3.0 Items for Consideration

3.1 The PFRA site management agreement is not considered to pose any threat or have any implications on the street collections that are licensed by the District Council and it is proposed to continue this regime unchanged.

3.2 Site management agreements are available for other town centres should it be considered appropriate due to the inconvenience being caused by face to face non-cash collections.

5.0 RECOMMENDATIONS that the Committee:

(a) **note the Site Management Agreement between Newark Town Council and the Public Fundraising Association; and**

(b) **identify any other areas where a Site Management Agreement with the PFRA would be considered appropriate.**

For further information please contact Nicola Kellas on Extension 5894.

Karen White
Director – Safety



Public Fundraising Association

APPENDIX ONE

February 2016
Site Management Agreement

Site Management Agreement

Between PFRA and Newark Council

Prepared by: **Zoë Mayers**
Policy and Communications Officer zoe@pfra.org.uk
www.pfra.org.uk +44 (0)20 7401 8452

The purpose and spirit of this voluntary Site Management Agreement (SMA) is to facilitate responsible face-to-face fundraising in Newark centre and provide a balance between the duty of charities and not-for-profit organisations to fundraise and the rights of the public to go about their business without the impression of undue inconvenience. For the avoidance of doubt, this document does not constitute a legal contract.

Once this agreement is in place it should minimise the administration for the council, providing just one channel for information and support regarding face-to-face fundraisers, as nominated 'gatekeepers' only have to deal with one organisation, the PFRA, instead of dealing with each individual charity and fundraising organisation separately.

2 Statement of Conformity

All fundraisers will abide at all times by the relevant elements of the Institute of Fundraising's [Code of Fundraising Practice](#), and the PFRA's [Rule Book](#), or face the appropriate penalties.

If local authority officers note fundraisers contravening the PFRA's Rule Book or any local clause within the SMA, they will inform the PFRA's Head of Standards by contacting them on 020 7401 8452, providing details of the incident.

3 Access Details

3.1 Sites, team sizes, positioning, and frequency

Sites may be used as follows, as shown in the map at Appendix 1:

City Centre:

Pedestrianised area of Stodman Street between Natwest and EE

Capacity: maximum of 2 fundraisers spread across the site

Frequency: Three days a week excluding Wednesdays and Saturdays

Where fundraisers are found to be working outside of the agreed locations, they must comply with requests made by Local Authority Officers and reposition themselves correctly or as directed on-site. Failure to do so may result in the imposition of penalties or sanctions according to rules promulgated by the PFRA.

3.2 Other Conditions

Fundraisers should be positioned in such a way as to offer an adequate 'comfort zone' to those users of the public highway who do not wish to engage. In furtherance of this, it is desirable that a minimum footway channel of 1 metre be maintained between fundraisers and the kerb / shop frontage where it is reasonable to do so.

Fundraisers should maintain a reasonable distance (of approximately 3 metres) apart from one another and any other legitimate street activities (e.g. street traders, Big Issue sellers, buskers, newspaper stands, promotional activities and market researching).

Fundraising will only be permitted between the hours of 9am and 7pm, unless otherwise specified.

Exclusion Dates etc are to be announced by the Council (e.g specific event days) and must be pre booked as part of the PFRA Diary Management System. Any exclusion dates to give a minimum of 4 weeks notice to the PFRA from date of diary delivery.

APPENDIX ONE

4 Information Required

4.1 Nominated Gatekeeper

The nominated gatekeeper for Newark Council is Ian Harrison and his/her contact details are...tel: 01636 655720 or email: ian.harrison@nsdc.info .. In his/her absence all enquiries should be made to Brian Rawlinson brian.rawlinson@nsdc.info. Tel: 01636 655721

4.2 Required Information

The PFRA will maintain and manage the diary schedule. Diary/Schedule information will include: contact details for the agency (if applicable); and charity being fundraised for.

Copies of the diary are to be made available to:

Licensing Manager: Alan Batty. Newark and Sherwood District Council

email: alan.batty@ansdc.info

Town Centre Manager: Ian Harrison. Newark and Sherwood DC

email: ian.harrison@nsdc.info

These contact details shall be updated as and when necessary.

4.3 Transition and continuity

Should the nominated gatekeeper move on or responsibilities otherwise change, the gatekeeper will inform his/her successor of the detail of this agreement, the relationship with the PFRA, arrangements for the regulation of face-to-face fundraising, and provide the PFRA with contact details for the successor.

5 Complaint Management

- PFRA will respond to and seek to resolve all complaints received, and issue penalties according to its rules. The Council will provide real time notification of any complaints it wishes to be resolved immediately and provide sufficient detail for any retrospective complaints to be investigated. Where the collection agencies or the charities themselves receive complaints it is expected that they will provide information to the PFRA including information about the identity of any individual collector who is subject of a complaint and of the action taken (if any).

Members of the public are encouraged to direct complaints about charity fundraising to the Fundraising Standards Board ([FRSB](http://www.frsb.org.uk)).

receive complaints it is expected that they will provide information to the PFRA including information about the identity of any individual collector who is subject of a complaint and of the action taken (if any). APPENDIX ONE

Members of the public are encouraged to direct complaints about charity fundraising to the Fundraising Standards Board ([FRSB](http://www.frsb.org.uk)).

6 Working Together

Newark Council agrees to work with the PFRA to raise awareness regarding this site management scheme, including explaining what face-to-face fundraising is, the PFRA, the Code of Fundraising Practice, and facts about Direct Debit.

The PFRA monitors member organisations, through a programme of random spot-checks, responding to complaints, and other mechanisms, to ensure fundraisers' adherence to the Code of Fundraising Practice, PFRA Rules, and Site Management Agreements. The PFRA can give appropriate penalties or sanctions to those not abiding by the rules.

This SMA will be reviewed 6 months after it is signed, and then once every 12 months, if necessary, or earlier if there is just cause to do so. All amendments will be agreed in writing before becoming effective. Either party can withdraw from this agreement, giving 3 months' notice in writing.


Depending on when this agreement is signed, in relation to the PFRA's bidding/allocation cycle, there will be a lead-time of up to 8 weeks before the agreement can be fully implemented.

Signed For and On Behalf Of PFRA:

Print name:

Job title:

Date:



Peter Hills-Jones
CEO
24.5.16

Signed For and On Behalf Newark Council

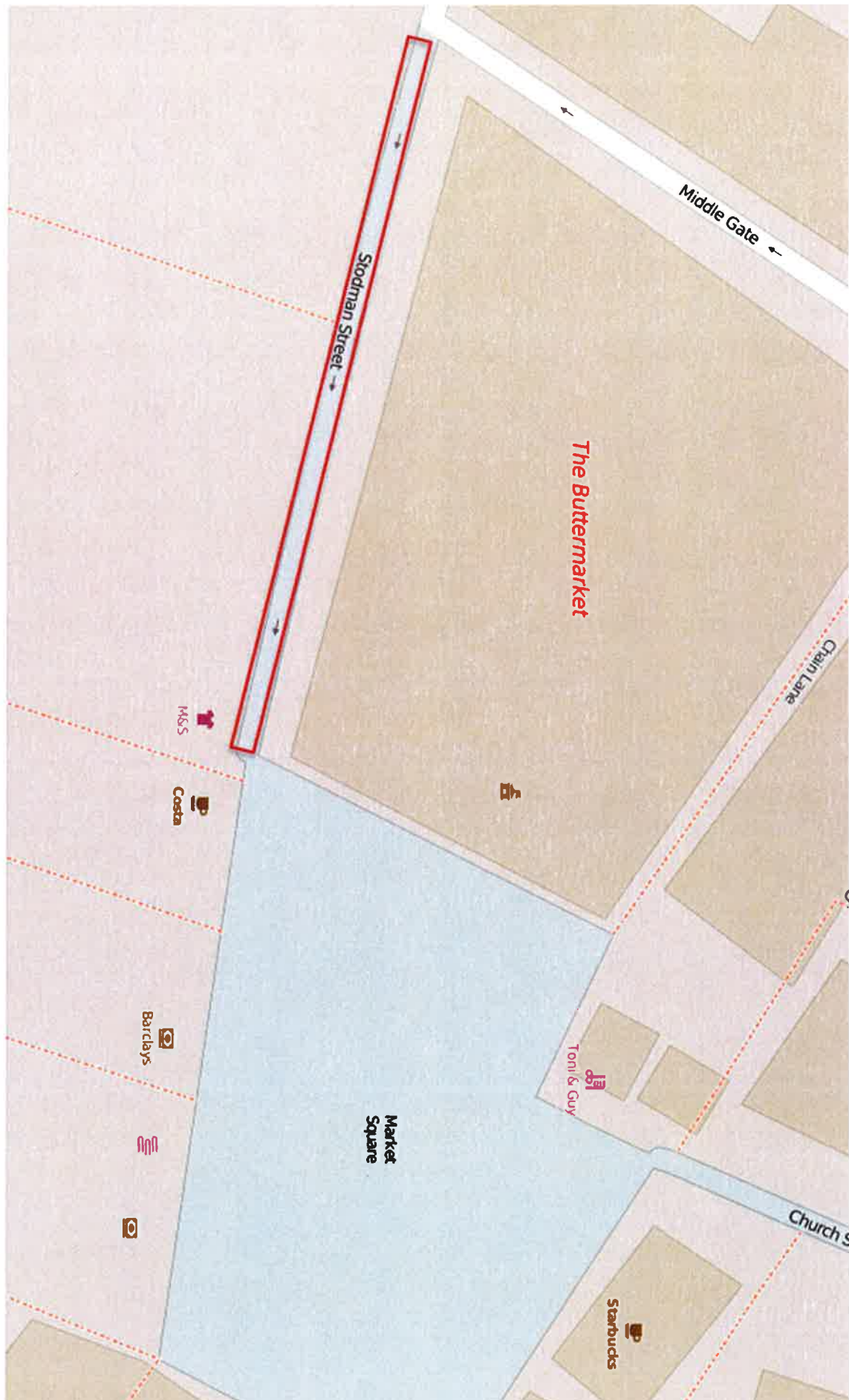
Print name:

Job title:

Date:


Ian Harrison
Business Manager for Markets and Car Parks.
24th May 2016

Plan showing the area(s) where fundraising is to be permitted:



Know your rights - The Direct Debit Guarantee

Direct Debit is one of the safest ways of making charitable donations. Organisations using the Direct Debit Scheme go through a careful vetting process before they're authorised, and are closely monitored by the banking industry. The efficiency and security of the Scheme is monitored and protected by your own bank or building society.

The Direct Debit Scheme applies to all Direct Debits. It protects you in the rare event that anything goes wrong.

The Direct Debit Guarantee

- The Guarantee is offered by all banks and building societies that accept instructions to pay Direct Debits.
- If there are any changes to the amount, date or frequency of your Direct Debit the organisation will notify you (normally 10 working days) in advance of your account being debited or as otherwise agreed. If you request the organisation to collect a payment, confirmation of the amount and date will be given to you at the time of the request.
- If an error is made in the payment of your Direct Debit, by the organisation or your bank or building society, you are entitled to a full and immediate refund of the amount paid from your bank or building society.
 - If you receive a refund you are not entitled to, you must pay it back when the organisation asks you to.
- You can cancel a Direct Debit at any time by simply contacting your bank or building society. Written confirmation may be required. Please also notify the organisation.

APPEAL DECISION ON THE REVOCATION OF A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

1.0 Purpose of Report

- 1.1 To update Members of the outcome of the appeal brought by Danny King against the General Purposes Sub Committee's decision to revoke his hackney carriage and private hire driver's licence.

2.0 Background

- 2.1 On Thursday, 27 August 2015 Mrs Keeley Ladlow, one of the Council's Licensing Enforcement Officers was undertaking routine inspection of licensed Hackney Carriages parked on the North Gate taxi rank. She inspected a vehicle driven by Danny King. Throughout the inspection the officer was subject to obstruction, intimidation and harassment targeted at her during the course of her duties.
- 2.2 The licence of Mr. King was immediately suspended and a General Purposes Sub-Committee met on 18 September to consider the case in more detail and to determine whether Mr. King was a fit and proper person to hold a licence.
- 2.3 After considering the matter and hearing from both the driver and the Licensing Enforcement Officer the Sub-Committee preferred the evidence of the Council's Licensing Enforcement Officer in finding that Mr. King had been obstructive, aggressive and intimidating during the execution of her duties. The Sub-Committee also found history of breach of licensing conditions, namely not displaying plates, insufficient tread on tyres amongst other breaches. They also found that Mr. King had appeared before the General Purposes Committee previously and exhibited aggression.
- 2.4 The Sub-Committee decided that Mr. King should have his driver's badge and licence revoked with immediate effect.
- 2.5 In cases such as this the driver has a right of appeal to the Magistrate's Court and Mr. King lodged an appeal against the Sub Committee's decision.
- 2.6 The appeal was heard at Nottingham Magistrate's court on 19 February 2016. After hearing evidence from both parties the case was adjourned until 7 April to hear final arguments and summing up from both parties. After careful consideration the Magistrates dismissed the appeal.
- 2.7 The magistrates did not find evidence submitted by Mr King's colleague, also a taxi driver, credible but "preferred the use of contemporaneous notes which was consistent and credible and believed the account" of the Licensing Enforcement Officer. They found Mr. King gave inconsistent evidence and there was a lack of evidence placing him elsewhere at the time of one of the allegations. They did not consider that there was sufficient evidence to overturn the sub committee's decision and found that Mr. King was not a fit and proper person (the test when considering a taxi drivers licence) taking into account all the evidence they had heard. They ordered Mr. King, who stated he had no income, to pay half of the Council's costs of £886.00 which the legal team are currently pursuing.

3.0 RECOMMENDATION

That the Committee note the outcome of the appeal

Background Papers

Hackney Carriage and Private Hire Policy - NSDC

For further information please contact Alan Batty on Ext 5467

Karen White
Director – Safety

UPDATE ON PERFORMANCE AND ENFORCEMENT MATTERS

1.0 Purpose of Report

- 1.1 To inform the Committee of the activity and performance of the licensing team and to provide Members with details of current ongoing enforcement issues.

2.0 Background

- 2.1 A new applicant for a Hackney Carriage/Private Hire Drivers or Private Ambulance Drivers Licence have undergo various checks these include a Disclosure and Barring check, DVLA check, two references are required, Group II medical, knowledge and ability tests.
- 2.2 This report covers the period from 1 January to 31 March 2016 and sets out the range and number of licence applications during this period. It also highlights any activity required as a result of the applications.

Application Type	New applications received	Renewal of applications received	Number Issued	Comments
Hackney Carriage/Private Hire Driver	6	20	26	
Ambulance Drivers	8	29	37	
Hackney Carriage Vehicles	3	29	32	
Private Hire Vehicles	6	49	55	

2.3 Street Collections

The table below sets out the numbers of collections undertaken within the reporting period and the charities supported. The organisations undertaking the collections are required to complete a return that sets out the 80 % of the collection that is returned to the charity.

Charity	Location	Date	Total amount collected	% returned to charity
Framework	Southwell	05.03.2016	£1238.42	100%
Marie Curie	Newark & Edwinstowe	12.03.2016	£187.00	95%
Newark Patriotic Fund	Newark	23.03.2016	£293.21	100%

2.4 House to House Collections

The table below sets out the numbers of collections undertaken within the reporting period and the charities supported. The organisations undertaking the collections are required to complete a return that sets out the 80 % of the collection that is returned to the charity.

Charity	Location	Date	Total amount collected	% returned to charity
Tree of Hope	Whole district	16.3.2016	£101	85%

2.5 Enforcement Issues

Hackney Carriage/Private Hire Ongoing Enforcement Activity between 1 January and 31 March 2016

LOCATION	ACTIVITY	DATE CASE OPENED	ACTION TAKEN SO FAR
Alexander Avenue, Newark	Taxi driver not produced her DBS certificate on renewal of licence	7.1.2016	Driver was advised that unless she produced the most recent certificate by 14.1.2016 then her licence would be suspended. Driver was able to produce original certificate which was checked.
North Gate Station rank, Newark	Vehicle licence check	15.1.2016	Vehicle all in order.
Middle Gate rank, Newark	Vehicle licence checks	7.3.2016	4 Vehicle were checked and all 4 were found in order.
Middle Gate rank, Newark	Vehicle licence checks	4.4.2016	Vehicle inspected, all in order apart from plate displayed incorrectly. Re-inspected and plate now ok.
North Gate Station rank, Newark	Vehicle licence check	4.4.2016	Vehicle all in order.
Kelham Hall, Kelham	Vehicle licence check	24.3.2016	Vehicle all in order.

3.0 RECOMMENDATION

That the Committee consider the contents of the report and identifies any issues it wishes to examine further.

For further information please contact Nicola Kellas on extension 5894.

Karen White
Director - Safety

LICENSING COMMITTEE

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the **LICENSING COMMITTEE** held on Thursday, 17 March 2016 in Room G21, Kelham Hall at 6.00pm.

PRESENT: Councillor Mrs R. Crowe (Chairman)

Councillors: Mrs K. Arnold, M.G. Cope, J. Lee, Mrs S.M. Michael, D.R. Payne, Mrs S. Soar, Mrs. L.M.J. Tift and I. Walker.

24. APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillors: Mrs I. Brown, M. Buttery, Mrs B.M. Brooks, D.J. Clarke and P. Peacock.

25. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

NOTED: that no Member or Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

26. DECLARATION OF INTENTION TO RECORD MEETING

NOTED: that there would be an audio recording of the meeting.

27. MINUTES OF MEETING HELD ON 10 DECEMBER 2015

AGREED that the Minutes of the meeting held on 10 December 2015 be approved as a correct record and signed by the Chairman.

28. REQUEST TO SHOW A FILM THAT HAS NO CERTIFICATE FROM THE BRITISH BOARD OF FILM CLASSIFICATION

The Committee considered the report presented by the Business Manager – Environmental Health & Licensing in relation to a request received to allow a public showing of a film that has no certificate from the British Board of Film Classification.

The report set out the Local Licensing Authority's role and this Council's procedure for determining film classification which was adopted in January 2015. Also contained within the report were details of what the film was about and of the current 6 classifications available.

Members were informed that the film was available to download and view on the BBC iPlayer and that the film maker had suggested himself that it be awarded an 18 certificate due to its content.

AGREED (unanimously) that:

- (a) the uncertified film titled 'Fear Itself' be permitted to be shown; and
- (b) the age restriction category to be imposed be an 18 classification.

29. POLICE & CRIME BILL AND THE IMMIGRATION BILL – CHANGES TO LICENSING LEGISLATION

The Committee considered the report presented by the Business Manager – Environmental Health & Licensing in relation to updating Members as to the progress of the above two bills through Parliament and the implications thereof.

The report set out at paragraph 3.1 the proposed changes to the Licensing Act 2003 arising from changes to the Police & Crime Bill. It also provided narrative as to the implications these would have in relation to personal licences; reflection of best practice and timely guidance updates; non-Police investigations in relation to the Policing & Criminal Evidence Act.

In relation to the changes to the Immigration Bill, it was noted that the granting of licenses for the sale of alcohol and late night refreshments must be compliant with immigration laws. It also referred to ensuring that licenses for drivers and operators of taxis and private hire vehicles are held by those who have the right to work in the UK and comply with immigration laws.

Members expressed their concern in relation to the issues and implications of a personal licence being granted for a lifelong period. It was suggested that the two local MPs be written to in this regard.

AGREED (unanimously) that:

- (a) the Police & Crime Bill update be noted;
- (b) the Immigration Bill update be noted;
- (c) further reports updating Members on the progress of the Bills through Parliament be presented to Committee; and
- (d) a letter be written and forwarded to the two local MPs, following consultation with the Chairman of the Committee, expressing concern about the implications arising from the granting of a personal licence for a lifelong period.

30. MINUTES OF THE LICENSING HEARING FOR A VARIATION OF A PREMISES LICENCE (WHITE HART WINE BAR & RESTAURANT)

The Committee considered the Minutes of the Licensing Hearing held on 23 December 2015 relating to an application by Admiral Taverns Limited for a Premises Licence Variation in relation to the White Hart Wine Bar & Restaurant.

Having considered the Minutes Members were advised that the Applicant had made an appeal to the Magistrates Court against the findings of the Hearing. A directions hearing had been held and adjourned for a conversation to take place between Admiral Taverns and the Designated Premises Supervisor, Mr. Paul Chambers. It was not known what the appeal was based on as the applicant did not have to state their reason for appealing.

Members commented that local councillors were best placed to make decisions and that it was right that a Solicitor from the Council be present at all court proceedings to offer local guidance.

AGREED that the Minutes be noted.

31. UPDATE ON QUARTERLY PERFORMANCE AND ENFORCEMENT MATTERS

The Committee considered the report presented by the Licensing Manager in relation to the activity and performance of the Licensing Team between 1 October and 31 December 2015.

Members considered all the enforcement activity and commented specifically on the noise complaint made against the Inn on the Green in December 2015. They suggested that the matter should not have been registered as it was not a genuine complaint. Officers confirmed that the information was a list of activities and listed all calls made to the Licensing Team.

AGREED that the reports be noted.

32. TEMPORARY EVENT NOTICES RECEIVED AND ACKNOWLEDGED BETWEEN 1 OCTOBER AND 31 DECEMBER 2015 INCLUSIVE

NOTED the Temporary Event Notices received and acknowledged between 1 October and 31 December 2015 inclusive.

The meeting closed at 6.10 pm

Chairman

LICENSING ACT TRAINING FOR MEMBERS AND OFFICERS

1.0 Purpose of Report

- 1.1 To inform Members of Licensing Act training being provided for both Officers and Members by the Nottinghamshire Authorities Licensing Group on 1 July 2016

2.0 Background

- 2.1 In recent years, the Nottinghamshire Authorities Licensing Group has provided a training course at the Hostess Restaurant in Mansfield for Officers and Members across the County.
- 2.2 In response to the success of the previous sessions and the positive feedback received following previous years' event it is intended to hold another event, which is again focussed on Licensing Members and is open to all Members of Licensing Committee.
- 2.3 The training will take place on 1 July 2016 at the Hostess Restaurant near Mansfield and the price per delegate is around £40. The course will commence at 9:30am and finish at 3.15pm. Lunch will be served on the day along with tea, coffee and refreshments.
- 2.4 The morning session will give Members an overview of licensing legislation with Members being able to raised questions. There will also be a short update on taxi licensing. The afternoon will concentrate on Hearings with a case study and workshops for open discussion and debate.
- 2.5 It is proposed to make a corporate bid to the members training budget if the Licensing Committee consider the training appropriate and relevant.

3.0 RECOMMENDATION

Members are asked to consider the opportunity for training and indicate whether they would support and attend the training event.

Background Papers

Nil

For further information please contact Alan Batty on 01636 6554675467

Karen White
Director – Safety

THE WHITE HART NEWARK – OUTCOME OF SUMMARY REVIEW OF PREMISES LICENCE

1.0 Purpose of Report

- 1.1 To provide Members with an update on the outcome of a Summary Review of the premises licence requested by Nottinghamshire Police with regard to the White Hart, Newark.

2.0 Background

- 2.1 The White Hart is situated just off the Market Square in Newark. It is a public house that offers some food and late night drinking. The Premises Licence is held by Admiral Taverns, a national pub chain, who also own the premises. However, the premises are tenanted to Paul Chambers who is the Designated Premises Supervisor. Due to the nature of the tenancy agreement and to some extent the laissez faire management style of Admiral Taverns, Mr. Chambers has had a free reign to manage the premises as he wishes. This has included the ability to request variations to the premises licence.
- 2.2 In November 2015 a series of Temporary Event Notices were submitted seeking to increase the hours, alcohol, sales and regulated entertainment for the weekends leading up and including the Christmas and New Year period. Nottinghamshire Police objected to the TENS and a hearing was held. The Panel modified the TENS reducing the hours requested.
- 2.3 In November 2015 shortly after the hearing referred to above an application to vary the premises licence was submitted. Representations were received from Nottinghamshire Police relating to crime and disorder at or associated with the Premises. The Sub-Committee heard evidence from the Police and the Applicant and decided to modify the application. The decision letter relating to the hearing is attached as **Appendix 1**.
- 2.4 Following a number of what was deemed by the police as serious incidents and alleged ongoing breaches of the licence conditions the Police submitted request for a Summary (expedited) Review of the premises licence. A Summary Review can be requested the Police believe there is serious crime and disorder associated with a premises. The Summary Review process requires the Licensing Authority to consider, within 48 hours, whether any interim steps should be imposed pending full review hearing.
- 2.5 A hearing was held on 14 April 2016 to determine whether it was necessary to impose interim steps on the basis of the application. The sub-committee decided to impose the following interim steps:
- Removal of the Designated Premise Supervisor from the licence
 - Modify conditions –

Opening hours of the premises 08:00 to 01:00 the following day Monday to Sunday and the removal of Non Standard Times

Licensable activity (sale of alcohol, regulated entertainment, late night refreshment) 08:00 to 00:30 the following day Monday to Sunday and the removal of Non Standard Times.

- 2.6 Representations against the interim steps were received by the premise licence holder on 19 April 2016. The legislation required a hearing to be held within 48 hours of the representation being made. A hearing to consider this representation was held on 21 April 2016. The sub-committee decided that the interim steps imposed by the panel on 14 April 2016 were appropriate for the promotion of the licensing objectives.

3.0 The Review Hearing

- 3.1 The full review hearing took place on the 11 May 2016. The Panel heard evidence from the Police and the Safeguarding Children's Board in support of the review application. The premises licence holder (Admiral Taverns) and the previous Designated Premises Supervisor gave counter evidence.
- 3.2 After considering all the evidence heard the Panel decided to keep all the interim steps previously imposed, in place and to make a further 9 short term recommendations on the understanding that if these were not in place or adhered to within 21 days the premises licence would be suspended for a period of not less than 2 months.
- 3.3 A copy of the decision letter relating to this hearing is attached as **Appendix 2**.
- 3.4 Since the hearing decision the Premises licence holder has confirmed that the current tenant of the premises (and the previous DPS) has been given notice to quit and that it is their intention to close the premises from 1 June 2016. No date for a reopening has yet been confirmed
- 3.5 The Premises Licence holder does have the right to appeal to the Magistrate's Court against the decision reached by the panel and Admiral Taverns have confirmed that they will be lodging an appeal to this end in relation to the hours and some of the conditions which are currently in place. No date has yet been set for the appeal hearing.

4.0 RECOMMENDATION

Members are asked to note the outcome of the Summary Appeal brought in respect of The White Hart

Background Papers

None

For further information please contact Alan Batty on 01636 6554675467

Karen White
Director – Safety

Date 30 December 2015

Dear Sirs

**Licensing Act 2003 Application to vary Premises Licence – Admiral Taverns Limited
Licensing Hearing 23 December 2015**

Proposal to vary premises licence

To extend the hours of licensable activities and remove and amend conditions applicable to the premises licence at White Hart Wine Bar and Restaurant located in White Hart Yard on the South East Side corner of the Market Place, Newark in respect of the following:

1. Provision of regulated entertainment 08:00 – 03:30 hours Monday to Sunday;
2. Provision of late night refreshment 23:00 – 04:00 hours Monday to Sunday;
3. Sale by retail of alcohol 08:00 - 03:30 hours Monday to Sunday;
4. Premise open to the public 08:00 – 04:00 hours Monday to Sunday;
5. Removal of all conditions attached to the current licence 000644 with the exception of six listed in the application to remain – (numbers 2, 4, 5, 6, 39 and 40)

In attendance at the Hearing were:

Sub-committee/Panel: Councillors David Clarke (chair); Irene Brown; and Ivor Walker.

Applicant: Paul Chambers (DPS) and Applicant's representative – Michael Kheng.

Statutory Authority: Nottinghamshire Police represented by Elizabeth Briggs, Susie Rhodes-Best, Police Inspector L. Clarke and Daveen Brown.

Licensing Authority: Clerk – Helen Brandham; Licensing Manager – Alan Batty; Legal Advisor – Karen White; Trainee Solicitor - Jade Reynolds; Licensing Officer - Kerrie Vickers; and Licensing Apprentice – Matthew Yates.

The Sub-committee/Panel who heard the application took into consideration and applied the following:

1. The licensing objectives and other relevant provisions as set out in the Licensing Act 2003;
2. The Policies of the Council applicable to the variation application;
3. The guidance as provided under Section 182 of the Licensing Act 2003; and
4. The details contained within the application and submitted in writing and orally at the hearing by the Applicant and their representative, and relevant written and oral representations and the supporting evidence submitted by Nottinghamshire Police.

Panel's findings

The Panel spent a considerable amount of time, carefully considering the detailed submissions and written information provided by those attending the hearing.

The Panel had regard to the Applicant's wish to 'streamline' the current confusing and differing hours of operation applicable to the premises and remove from the licence the high number of no longer relevant conditions that had been applied under 'grandfather rights' when the licence had been converted under the provisions of the Licensing Act 2003. The Panel recognised that this was a sensible and desirable outcome. It also noted that the Applicant had indicated that it was not intended to operate the premises to the extent of the hours applied for, every night of the week, simply to give them some operational flexibility to be able to respond to business requirements and opportunities.

However, the Panel also had regard to the representations received from Nottinghamshire Police about their concerns regarding the variation application and the adverse effect it would have on the promotion of the licensing objectives (namely the prevention of crime and disorder and public safety). This was particularly since the variation sought to extend the hours of operation to 03:30 hrs (and 04:00 hrs) on every night of the week. The Police submitted detailed evidence of a significant number of incidents of crime and disorder that had taken place in or around the premises in the early hours over the past 17 months. The Panel were persuaded that there had been an increase in incidents related to the premises during this more recent period when it had operated for longer hours with a number of those incidents occurring during the early hours of its operation. The Panel were satisfied by the evidence submitted by the police representatives that there was a clear correlation between the terminal hours at the premise and the number of alcohol related incidents of crime and anti-social behaviour.

In weighing these competing considerations submitted by the Applicant and the Police, the Panel concluded that it was necessary for the promotion of the licensing objectives to modify the hours applied for by the Applicant – and grant a terminal hour of 03:00 hrs (and 03:30 hrs), which together with the application of necessary and proportionate conditions would achieve the right balance between these considerations and secure the promotion of the licensing objectives.

The Applicant and the Police had been able to agree a number of the proposed conditions to be applied to the varied licence. At the hearing the Applicant also offered to agree to a condition, previously requested by the Police, relating to the training of staff in the retail sale of alcohol and the keeping of the records of such training (if the Panel considered this to be necessary). The Panel did conclude that such a condition was necessary and appropriate. However, there were three conditions that the parties had been unable to agree. These related to:

Condition 3. on the current licence

"There will be no admission to new customers after 01:30."

The Applicant had initially applied for this last entry condition to be removed completely, but following discussion with the Police, had proposed a last entry time of 02:00 hrs save for customers who have left the premises temporarily (and can be identified by way of a stamp or other method) or for persons who are on a guest list or hold a VIP ticket pass (such list of pass being issued at least 24 hours prior).

The Applicant informed the Panel that many late night premises operated a system of VIP passes successfully. However representations from the Police were that such systems were difficult to manage and could create flash points and conflict with persons being turned away after the last entry time whilst people on the VIP list were allowed into the premises. On balance the Panel considered that the last entry condition should remain at 01:30 hrs in order to mitigate the risk of patrons simply migrating around the town centre to later opening premises and causing problems when doing so. However they were of the view that a VIP/guest list scheme could work if managed properly by the licensee under a policy/procedure submitted to and approved by the Licensing Authority clearly setting out how the scheme is to be operated.

Condition 4. on the current licence

“A minimum of two SIA registered door staff shall be employed at the premises, Friday, Saturday and Sunday from 23:00 hours until close, unless otherwise agreed with the Police following a risk assessment.”

The Police, in their representations, requested that this be increased to three. The Applicant had suggested an amendment to the current condition to stipulate that when the premises operates until 04:00hrs, a minimum of three door supervisors shall be employed at the premises from 01:30hrs. The Panel were mindful of the fact that they were considering this condition in the context of the variation. They were also mindful of the evidence put forward about increased incidents of crime and disorder relating to the premises particularly during the longer hours of operation when patrons have the potential to become more inebriated and the need to be able to manage this properly in so far as the licensee’s obligation extended in this regard. Therefore the Panel concluded that it was necessary and proportionate to increase the number of door staff from two to three from the hours of 01:30 hrs (last entry time) until closing on any day when the premises opens until 03:00 hrs or later.

New condition

The Police requested a new condition as follows:-

“A member of the door staff to have and operate a body worn camera on Friday, Saturday and Sunday from 23:00 hours until close, unless otherwise agreed with the Police following a risk assessment.”

Whilst the Panel noted the information put forward that Police officers were now deploying body cameras themselves and another premise in the town was intending, on a voluntary basis, to have their door staff use them, it did not consider that the case had been made out that it was necessary and proportionate to make it a condition on this premises licence.

However the Panel noted and wished to make it clear that they encouraged the Applicant’s offer to voluntarily consider deploying body cameras on his door staff as a further means of assistance in managing the premises.

The panel was grateful to all those who attended and contributed to the hearing to assist in them making an informed decision.

Panel’s Decision

1. Hours of operation granted (modified from the application):

Regulated entertainment

Standard: Monday to Sunday 08:00 to 03:00 the following day

Non-Standard: New Years Day – all day

Additional hour to standard and non-standard times when BST commences

Late Night refreshment

Standard: Monday to Sunday 08:00 to 03:30 the following day

Non-Standard: New Years Day – all day (in effect 23:00 to 05:00)

Additional hour to standard and non-standard times when BST commences

Supply of Alcohol (both on and off sales)

Standard: Monday to Sunday 08:00 to 03:00 the following day

Non-Standard: New Years Day – all day

Additional hour to standard and non-standard times when BST commences

Friday preceding a Bank holiday – 09:00 to 03:30 the following day

Saturday preceding a Bank holiday – 09:00 to 03:30 the following day

Christmas Eve, Christmas day, the day preceding Christmas Eve, Boxing Day, and the day preceding New Year's Eve – 09:00 - 03:30 the following day (Friday to Saturday only)

Hours Premises are open to the public – Monday to Sunday 08:00 to 03:30 the following day

2. Removal of current conditions in Annex 2 of the current licence to be replaced with the following:
 1. A CCTV System with recording equipment shall be installed and maintained at the premises. Cameras shall encompass all ingress and egress to the premises and all areas where the sale/supply of alcohol takes place. Equipment shall be maintained in good working order and:
 - Be of evidential quality and produce colour images in all lighting conditions particularly facial recognition;
 - Indicate the time and date of recordings;
 - Sufficient staff shall be trained to use the system;
 - Recordings shall be kept in date order, numbered sequentially and kept for a period of 31 days and handed to the Police or any other authorised person upon request pursuant to the Data Protection Act 1998; and
 - Copies of the recordings shall be provided in a format which can be viewed on readily available equipment without the need for specialist software.
 2. Additional CCTV cameras are to be placed in the outside area to cover the access and egress of the premise, the smoking area and the archway.
 3. A minimum of two SIA registered doorstaff shall be employed at the premises, Friday, Saturday and Sunday from 23:00 hours, unless otherwise agreed with the Police following a risk assessment. In addition, on any occasions when the premises operate until 03:30 hours, a minimum of 3 door supervisors shall be employed at the premises from 01:30 hours.

4. There shall be no admission or re-admission to the Premises after 01:30 hours until close save for:
 - access and egress to any external smoking area that is designated for such purpose (these customers shall be identified by way of a stamp or other method); and
 - persons who are on a guest list or hold a VIP ticket pass (such list being issued at least 24 hours prior)

The exemption above relating to entry after 01:30 hrs for persons on a guest list or holding a VIP ticket pass shall not be implemented until a policy setting out how this is to be operated and managed by the licensee has been submitted to and approved by the Licensing Authority.

5. When door supervisors are used at the premises a bound and sequentially paginated book or electronic record containing the names, addresses and date of birth, SIA registration number and hours worked of all door supervisors shall be made daily, kept for at least 12 months and made available for inspection and copying by the Police, SIA or any other authorised person immediately upon request.
6. A bound and sequentially paginated book or electronic record of incidents/accidents shall be kept, recording all incidences of disorder, damage and personal injury at the premises. Such records to be dated and made available for inspection and copying by the Police or any other authorised person upon request and all such records shall be retained at the Premises for at least 12 months.
7. The Licence Holder shall take all reasonable steps to ensure that patrons awaiting entry to the Premises or leaving the Premises do not cause annoyance or nuisance to any other person in the vicinity of the Premises.
8. Sound insulation or control equipment which is installed to prevent noise nuisance to the occupiers of neighbouring premises shall be maintained in satisfactory working order.
9. There shall be no adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the Premises that may give rise to concern in respect of children. (For the purposes of this licence condition 'Adult Entertainment' will be defined using the definition for 'Relevant Entertainment' found in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009)) – that is to say: *“any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)”*.
10. There shall be in place the following:
 - Drugs Policy;
 - Door Supervisor Policy;
 - Search Policy;
 - Dispersal Policy

These policies shall be made available for inspection by the Police or any person authorised by the licensing authority.

11. When regulated entertainment is taking place between 2300 hours and close any external windows in areas where live or recorded music is taking place shall be kept closed until when the regulated entertainment is no longer taking place and any door(s) leading from the areas where the regulated entertainment is taking place to the outside shall be closed for the same period save for entry and exit to the Premises (NB. this may not in all cases be the last door out of the Premises and may be one within a lobby or corridor).

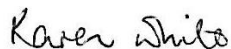
12. Challenge 21 shall be implemented at the Premises and a proof of age policy shall be applied with the accepted means of proof of age being:
- Passport
 - Photo driving licence
 - A recognised valid photo-id card bearing the PASS hologram.
13. All members of staff shall be fully trained in the retail sale of alcohol. The training shall be ongoing and each member of staff shall be reviewed every six months. All details of the level of training shall be recorded in a bound and sequentially paginated book or electronic record. This information shall be made available for inspection and copying by the police or any other authorised person on request and all such books and records shall be retained at the Premises for at least 12 months.

Appeals

A premises licence holder or applicant or a person who made relevant representations may appeal against the outcome of a hearing.

Any such appeal must be made to the Magistrates' Court for the area in which the premises concerned are situated and must be commenced by a notice of appeal to the justices chief executive for the relevant court within 21 days beginning with the day on which the appellant was notified of the decision.

Yours faithfully



Karen White
Director - Safety

Admiral Taverns
Milton gate
60 Chiswell Street
London
EC1Y 4AG

Telephone: 01636 655238
Email: lisa.ingram@nsdc.info
Your ref:
Our ref: LMI/608

Date 13 May 2016

Dear Sir

**Re: Licensing Act 2003 – Ye Olde White Hart, Market Place, Newark
Review Applicants: Nottinghamshire Police
Other Responsible Authority Representations – Nottinghamshire Safeguarding Children
Board
Hearing on 11 May 2016**

I refer to the above hearing at which a panel of the Council's Licensing Committee convened to decide the application for a review of the Premises Licence for the Ye Olde White Hart, Newark ("the Premises"), which are licensed for the supply of alcohol and regulated entertainment.

The premises licence holders are Admiral Taverns ("the PLH") and the premises is tenanted by the Designated Premises Supervisor ("DPS"), Mr Paul Chambers.

The Premises licensing history is helpfully summarised in the bundle at Licensing Pages 8 and 9.

The application for an summary review under s53A of the Licensing Act 2003 was made by Nottinghamshire Police on 14 April 2016 following, 7 occurrence(s) of serious crime/disorder associated at the Premises (listed at Licensing Page No. 25 of the bundle).

Following the application on 14 April 2016 the Licensing Panel concluded it was necessary to impose interim steps pending hearing of the application for full review as follows:

1. *Removal of Designated Premises Supervisor (Mr Chambers) from the licence*
2. *Modify conditions*
Opening hours of the premises 0800 to 0100 the following day Monday to Sunday
Removal of Non Standard Times
Licensable activity (sale of alcohol, regulated entertainment, late night refreshment) 0800 to 0030 the following day Monday to Sunday
Removal of Non Standard Times

On 21 April 2016, this decision was confirmed as appropriate at a hearing before a Licensing Panel.

No further representations on interim steps were made and as such a full review was heard on 12 May 2016. Four members of the Licensing committee were asked to:

- *Consider what steps it consider appropriate for the promotion of the licensing objectives; and*
- *Decide which interim steps cease to have effect altogether become the subject of any steps which it considers are appropriate when making its determination on the review.*

Before the Licensing Panel were, Nottinghamshire Police, Nottinghamshire Safeguarding Children Board, Mr Chambers the tenant and DPS of Ye Olde White Hart, Newark represented by Mr Whur, Solicitor. Mr Roach of Admiral Taverns was observing.

The Licensing Panel was referred to the written bundles of statements, records and CCTV/bodycam footage which had been served both on the Council and all parties involved. The panel confirmed that they had read these documents, the papers submitted and had also viewed the footage provided.

The Licensing Panel also heard oral evidence from:

Ms Rhodes-Best;

Sergeant Ward;

Detective Constable Lewis;

Sergeant Paul Cash; and

Paul Chambers;

along with representations from Mr Whur, Mrs Briggs and Mr Roach of Admiral Taverns (by consent).

The Licensing Panel also took into consideration and applied the following:

1. The licensing objectives and other relevant provisions as set out in the Licensing Act 2003;
2. The Policies of the Council applicable to the review application;
3. The guidance as provided under Section 182 of the Licensing Act 2003; and

Considerations

The Licensing Panel recognises that licensed premises are a major contributor to the economy of the District. They help to attract tourists and visitors, make for vibrant towns and communities and are a major employer. It is to be noted that the Council granted a number of Temporary Event Notices in November 2014 and granted the PLH's application to vary the licence on 23 December 2015 without significant modification, this was against police representations who relied upon a number of incidents which they had identified as a concern and about the operation and management of the Premises.

The Panel spent a significant amount of time, carefully considering the detailed submissions, oral evidence and written information provided by those attending the hearing.

Crime and Disorder

The Licensing Panel heard evidence that an alleged rape had occurred in a room on 1 April 2016, above the licensable area of the Premises. Representations were made in this respect, with the Licensing Panel's attention being drawn to the case of Sharanjeet Lalli –v- The Commissioner Of Police For The Metropolis (1) And The Council Of The London Borough Of Newham (2). The Licensing Panel heard legal argument from both Mr Whur and Mrs Briggs. Taking into account

the evidence provided by Mr Chambers as to how the rooms were used by him, the period in which the use had been established, who had access i.e. staff (whether self-employed or otherwise) and a previous alleged offence which had occurred in a room involving the same employee, the Licensing Panel concluded that the alleged crime could be associated with the Premises. Mr Chambers confirmed that the rooms at the Premises were no longer available to be used by staff.

Evidence was provided by the police about 3 further incidents which had occurred on 3 April 2016, 13 February 2016 and 24 January 2016 post variation which was granted on 23 December 2015. The Licensing Panel were satisfied that these incidents were of crime and disorder associated at the Premises.

With regards to the incident on 3 April 2016, taking into account the evidence submitted by the police having established that patrons from the Premises, who had been seen leaving and also involved bar staff from the Premises who was seen on bodycam footage, excitable and swearing, the Licensing Panel concluded that the alleged disorder could be associated with the Premises. Mr Chambers confirmed that this individual's employment with the Premises had been terminated.

The incidents on 24 January 2016 and 13 February 2016 clearly occurred at the Premises as seen on the CCTV footage. A further incident referred to by the police which occurred on 25 February 2016 involved the then DJ, the same individual alleged to be the perpetrator of the most recent alleged rape and alleged rape in 2015. Mr Chambers confirmed that the DJ's services had been terminated at the Premises.

The police also relied upon an incident prior to the variation which occurred in November 2015. Mr Whur invited the Panel to disregard this incident for the purposes of the full review, however, the Panel felt able to place some weight on this evidence. This incident in isolation may not give rise to a review or cause for concern for the promotion of the Licensing Objectives but when placed together with the incidents which occurred post variation, a pattern of events and repeated incidents of crime and disorder is apparent.

Management and Licencing conditions

The Panel heard evidence from the police that the Mr Chambers had failed to provide CCTV footage in a timely manner on a number of occasions (see statements of DC Lewis and Sergeant Ward at pages 55, 56, 93 and, 94 and of the Licensing pages). It had been suggested by DC Lewis that the Mr Chambers had mislead him by not identifying himself as the individual who could provide CCTV at the Premises. Mr Chambers whilst commenting on this statement, maintained that he was 100% sure that he hadn't said what was being suggested by DC Lewis and that he must have been mistaken. Mr Chambers also suggested that Sergeant Ward had also been mistaken in his version of events, where again it had been suggested that Mr Chambers had failed to co-operate with the police adequately on the request of CCTV.

The Panel found that the evidence from the officers should be preferred, they were clear in the evidence they gave, Sergeant Ward's statement being made shortly after his visit at the Premises which was further corroborated by police records, whereas Mr Chambers was found to be unbelievable and incredible. Mr Chambers' lack of honesty was further realised when asked about disclosure of CCTV to the police and knowledge of meetings between the PLH, police and licensing authority. On 7th April 2016 Mr Chambers sent an email to his adviser Mr Kheng

(Licensing pages 217 and 218), concerning the alleged rape on 1st April 2016. He advised that at 10:45am on 2nd April 2016 his father informed him that the Police wanted CCTV footage. He gave as his reason for not providing CCTV footage shortly after when DC Lewis attended at the Premises on the same day at 12.30pm, that DC Lewis did not ask for it. This failure to cooperate was just 10 days after a meeting at Kelham Hall on 23rd March 2016 (Licensing Page 59) after which Mark Brown, Solicitor to Admiral Taverns met with Mr Chambers about the concerns of the Police. The Panel was advised of this meeting by Mr Roach, this submission was not challenged. Mr Chambers had earlier claimed that he knew nothing of meetings between the Police and Admiral Taverns of 26th February and 23rd March 2016.

Issues were identified with regards to the quality of the CCTV footage. Mr Whur explained that the CCTV system was good and capable of providing quality footage, he conceded however, that there appeared to be some issues which resulted in footage being black and white and being overwritten. Mr Chambers explained that when some footage had been overwritten he genuinely thought the footage would be there and that there was a fault with the system. Mr Chambers also accepted that he needed to get someone better trained on the system.

Mr Whur accepted on Mr Chambers' behalf that response to the police's requests could have been different and better handled. He further conceded that there should be some alterations made to the CCTV system to ensure compliance with the current conditions.

Mr Chambers told the Panel that he had had some issues with door staff, he had employed an individual who he says was distracted by another business rather than his duties at the Premises and as a result had let him go. He also accepted that a doorman who had been seen on the CCTV footage, his head doorman of 2 years, known as "Damage" lacked initiative and he was looking to employ another man to be head doorman to provide direction to "Damage". This was in response to "Damage" appearing to eject victims rather than dealing with the perpetrator.

Mrs Turner from Safeguarding confirmed that the concerns she came to the hearing with had been answered through the course of the day.

Panel's Conclusions

On the face of the evidence, the Panel find that:

- a) there is evidence of the licensing objectives being undermined
- b) there is evidence that Mr Chambers has lost control of the Premises and is failing to give positive direction to staff in compliance with the Premises Licence;
- c) Mr Chambers doesn't appear to have taken responsibility for the matters which are within his control as DPS;
- d) there is evidence of a breakdown of communication between the Mr Chambers and the PLH which has contributed to breaches of the Licence condition;
- e) there is evidence of crime and disorder associated with the Premises;
- f) there is evidence of breaches of the Licence conditions; and
- g) there is some evidence to suggest Mr Chambers has put profitability before promoting the licensing objectives.

Although a difficult decision, the Panel are minded to suspend the licence for a period of no less than 2 months. Such suspension will not take effect if the following is complied with:

1. There are no further incidents involving the failure to co-operate with/or assist the police including failure to report incidents at or associated with the premises with immediate effect;
2. CCTV footage must be provided at the time requested by the Police or licensing authority with immediate effect;
3. At any time there must be a person available who can operate (including downloading/copying footage) from the CCTV system at the Premises;
4. The CCTV system must be capable at all times of fulfilling the conditions set out in the licence at annex 2 condition 1;
5. A new security/door staff company must be instructed to provide door staff in accordance with the licence at annex 3 condition 1;
6. Training must be provided to all bar staff on the following matters:
 - a) sale of alcohol (C21, sale of alcohol to people who are drunk)
 - b) conflict management
 - c) customer care to include health and safety;
7. The five rooms referred to at the hearing, above the licenced premises shall not be used until a business plan is provided to the police and the licensing authority setting out any proposed use. If they are not to be used, a statement shall be provided to that effect;
8. Additional CCTV camera shall be placed on the access to the said five rooms; and
9. The premises licence holder and DPS shall meet with the Police and licensing authority at the premises on Tuesday 7 June 2016 to provide evidence of compliance with terms 1-8 above.

The Panel deem it appropriate for interim steps to continue and shall be applied to the licence as permanent conditions as follows:

1. Removal of Designated Premises Supervisor, Mr Paul Chambers from the licence
2. Opening hours of the premises 0800 to 0100 the following day Monday to Sunday
Removal of Non Standard Times
Licensable activity (sale of alcohol, regulated entertainment, late night refreshment) 0800 to 0030 the following day Monday to Sunday
Removal of Non Standard Times

The Panel deem it appropriate to modify the licence as follows:

1. One SIA door staff shall be employed Friday, Saturday and Sunday from 10:30pm (in addition to the requirement set out at Annex 3 Condition 1)

The removal of Mr Chambers as Designated Premises Supervisor is to ensure that Mr Chambers will no longer be in any position with regard to the direct management of the Premises. The panel have considered the position and impact on Mr Chambers, but in balancing this against the promotion of the licensing objectives, considering his behaviour and management of the premises, the Licensing Panel are satisfied this is a proportionate response of achieving a legitimate aim and is appropriate in all the circumstances.

Mr Chambers made frequent reference throughout the hearing to his continued involvement in the Premises since interim steps were imposed and his removal as DPS and therefore the steps at 1-9 above are deemed appropriate to manage the deeper problems which are apparent from the evidence at the Premises should Mr Chambers remain in some sort of control at the Premises.

The Licensing Panel is satisfied that it is appropriate for the interim steps to reduce the hours of licensable activities to allow the PLH to focus on improving the management of the Premises is a proportionate response to the application submitted by the police.

The Licensing Panel were satisfied that the licence should be suspended but has been fair and reasonable in determining that such suspension will not come into effect if the steps set out above are complied with. This decision is made taking into account the impact on the Premises, employees and reputation of the PLH.

Finally, the Panel feels it is necessary to formally advise the PLH to ensure they meet with the designated premises supervisor a minimum of once every two months. There was clear evidence that the PLH had not had regular meetings with the DPS, at points Mr Chambers had been excluded from some discussions (although this is accepted this was at the police's request) and the PLH, notwithstanding the arrangements they have in place with their tenant, needs to take responsibility for the licence and how the Premises is managed and operated.

The Council considers that although this action interferes with both individuals and a business, the Panel has to balance their rights against those of the public. Considering the rights set out in the Human Rights Act, the Panel considers it proportionate and appropriate for the promotion of the licensing objectives, for public safety and in the general public interest to take such action.

Appeal

An applicant for a review or the holder of the premises licence may appeal against the decision of the Council in respect of the review.

Any such appeal must be made to the magistrates court for the area in which the premises concerned are situated and must be commenced by a notice of appeal to the justices chief executive for the relevant court within 21 days beginning with the day on which the appellant was notified of the decision.

Yours faithfully

A handwritten signature in black ink, appearing to read 'L. Ingram', with a stylized flourish at the end.

Lisa Ingram
Senior Legal Officer

UPDATE ON QUARTERLY PERFORMANCE AND ENFORCEMENT MATTERS

1.0 Purpose of Report

- 1.1 To inform Committee of the activity and performance of the licensing team between 1 January and 31 March 2016 and to provide Members with details of current going enforcement issues.

2.0 Background

- 2.1 This report covers the period from 1 January and 31 March 2016 and sets out the range and number of licence applications during this period. It also highlights any activity required as a result of the applications.

Activity Report for 1 January to 31-March 2016

Application Type	Number Received	Number Issued	Number Refused	Comments
Personal Licence	22	22	0	
Vary the Designated Premise Supervisor	25	25	0	
Transfer of Premise Licence	10	10	0	
Minor Variation	2	2	0	
Variation to Premise Licence	2	2	0	
New Premise licence	6	6	0	
Change of Premise Name	1	1	0	
Notification of Interest	0	0	0	
Temporary Event Notices	49	49	0	

2.2 Enforcement Activity

Ongoing Enforcement Activity 1-January to 31 March 2016

Location	Summary Of Complaint/Reason For Visit	Date Case Opened	Action Taken So Far
Shell, Lincoln Road, Newark	Premise licence check	04.01.2016	All in order.
Lincoln Road Stores, Lincoln Road, Newark	Premise licence check	04.01.2016	All in order.
Hardy's Farm Shop, Hawton Lane, Farndon	Premise licence check	04.01.2016	All in order.
Costa, Newark North Gate Station, Newark	Premise licence check	04.01.2016	All in order.

Home Bargain, North Gate Retail Park, Newark	Premise licence check	04.01.2016	All in order
Spar, Farndon Road, Newark	Premise licence check	04.01.2016	All in order
Marsh Lane Mini Market, Farndon	Premise licence check	04.01.2016	All in order
Elston Village Shop, Elston	Premise licence check	04.01.2016	All in order
Brobot Petroleum, Bowbridge Road, Newark	Premise licence check	04.01.2016	All in order
Moles Country Store, Maltkiln Park, Newark	Premise licence check	04.01.2016	All in order
Waitrose Ltd, Ossington Way, Newark	Premise licence check	06.01.2016	All in order.
Iceland, London Road, Newark	Premise licence check	12.01.2016	Wrong licence summary displayed. Advised would re-visit. All in order at re-visit.
Whites Wine Merchants, 35 Appleton Gate, Newark	Premise licence check	12.01.2016	All in order
National Civil War Centre, Newark	Premise licence check	12.01.2016	All in order,
Marks & Spencer, 32 Stodman Street, Newark	Premise licence check	12.01.2016	All in order
Savers, 22 Middle Gate, Newark	Premise licence check	12.01.2016	All in order
The Real Ale Store, 12-14 Kirk Gate, Newark	Premise licence check	12.01.2016	All in order
Wm Morrisons, Kings Road, Newark	Premise licence check	12.01.2016	All in order
Reindeer Inn, Main Street, Hoveringham	E-mail received regarding the premise that indicates change of name/holder of the licence/DPS	13.01.2016	LEO visited the premise and found that the premise closed. Advised new holder of the applications he needed to make.

White Hart, Newark	Visit to premises to ascertain whether they have implemented their policy in relation to VIP area, and view the CCTV to ascertain breaches of their conditions in relation to entry times	14.01.2016	LEO visited the premises and saw DPS. They discussed new condition following hearing and last entry time. DPS stated that he was sticking to last entry policy. LEO viewed CCTV and found clear breaches to last entry condition on 25.12.2015 and 1.1.2016. It was a "free for all" and totally unmanageable.
11 Queen Street, Southwell	Premise licence check	20.01.2016	All in order
17 Queen Street, Southwell	Premise licence check	20.01.2016	All in order
The Minster Shop, Southwell	Premise licence check	20.01.2016	Summary displayed but no refusals logs or authority to sell. LEO advised a revisit. 18.2.2016 – Revisit – All in order
Easthorpe Service Station, Southwell	Premise licence check	20.01.2016	Summary not displayed. LEO checked with LO that licence had been sent out. DPS to contact head office to get summary on site. LEO advised revisit. 3.2.2016 – Revisit – all in order
Fiskerton Post Office, Fiskerton	Premise licence checks	25.01.2016	Summary not displayed, no authority to sell. LEO advised a revisit. 18.2.2016 – Revisit all in order
Gonalston Farm Shop, Lowdham	Premise licence check	25.01.2016	Summary not displayed, no authority to sell or refusals log. LEO advised a revisit. 18.2.2016 – Revisit all in order
Co-op, 38 Main Street, Lowdham	Premise licence check	25.01.2016	All in order
Lowdham Stores, Lowdham	Premise licence check	25.01.2016	Summary not displayed, no authority or refusals log. LEO advised revisit. 18.2.2016 – Revisit all in order
The Old Theatre Deli	Premise licence check	25.01.2016	Summary not displayed, no authority or refusals log. LEO advised revisit. <u>18.2.2016 – Revisit all in order</u>
T & S Stores 55 King Street, Southwell	Premise licence check	25.01.2016	All in order

Atrium, 69 Castle Gate Newark	Noise complaint	15.02.2016	LEO visited the DPS and owner regarding noise complaint. They both agreed that the night was opening night and the music base settings were incorrect and they realised it was a problem and were trying to resolve it with a noise limiter. Complainant confirmed that there have been no further problems.
Earls Bar, Fernwood	Noise complaint	15.02.2016	Ongoing noise problems at the premise. Noise recording equipment was installed in the complainants home. On review a noise abatement notice was service on the premise and DPS.
Reg Taylor's Tea Rooms, Normanton	Premise licence check	03.02.2016	All in order
Co-op, Southwell	Premise licence check	03.02.2016	All in order
McColls, Leeway Stores, Southwell	Premise licence check	24.02.2016	All in order
The Old Shop, 21 Easthorpe, Southwell, NG25 0HY	Premise licence check	24.02.2016	All in order
Co-op, Main Street, Farnsfield	Premise licence check	24.02.2016	All in order
Asda, Forest Road, Ollerton	Premise licence check	24.02.2016	All in order
Café Piano, 1 West Gate, Southwell	Premise licence check	24.02.2016	All in order
The Rutland Arms, 13 Barnby Gate, Newark	Complaints that a 13 year old girl attending party at premise arrived home in a drunken state.	18.02.2016	LEO held a number of meetings with the DPS and the Police. Advise given regarding under 18 parties and noise problems.
Shop 4 U, 17 Church Street, Bilsthorpe	Premise licence check	02.03.2016	Summary not displayed and no authority. LEO advised revisit. 15.3.2016 – Revisit all in order
68-70 Kirklington Road, Bilsthorpe	Premise licence check	02.03.2016	Summary not displayed and no authority to sell, LEO advised revisit. 16.3.2016 – Revisit all in order

Maxey's Farm Shop, Hockerton Road, Kirklington	Premise licence check	02.03.2016	Summary not displayed and no authority to sell, LEO advised revisit. 16.3.2016 – Revisit all in order
One Stop, 1 The Crescent, Bilsthorpe	Premise licence check	02.03.2016	All in order
Boughton Pumping Station,	Premise licence check	30.03.2016	Not selling alcohol at this time. All in order.
Tesco, Ollerton	Premise licence check	30.03.2016	All in order
Costcutter, White Water Road, Ollerton	Premise licence check	30.03.2016	All in order
16 Turner Lane, Boughton	Premise licence check	30.03.2016	All in order

3.0 RECOMMENDATION

That the Committee consider the contents of the report and identifies any issues it wishes to examine further.

For further information please contact Nicola Kellas on Extension 5894.

Karen White
Director – Safety

TEMPORARY EVENT NOTICES RECEIVED AND ACKNOWLEDGED BETWEEN 1 JANUARY AND 31 MARCH INCLUSIVE

1.0 Purpose of Report

- 1.1 To inform Members of changes to Temporary Event Notices and notices that have been received and acknowledged between 1 January and 31 March 2016 inclusive.

2.0 Background

- 2.1 The Licensing Act 2003 introduced a light touch system for ad hoc, permitted temporary activities. A Temporary Event Notice (TEN) is given by an individual (a premise user) and authorises the premises user to conduct one or more licensable activities at premises.

- 2.2 There are two types of TEN;

- A standard TEN, to be given no later than 10 working days before the event to which it relates
- A late TEN, can be given 9 and not later than 5 working days before the event. Late TENs are intended to be used by premise user who is required for reasons outside their control to for example, change the venue at short notice.

- 2.3 Only the Police and Environmental Health can make representation against the TEN. Once the Police and Environmental Health receive a TEN, they have three working days to make any objections to it on the grounds of any of the four licensing objectives: prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm. If no objections are received the event will go ahead as planned. If an objection is received for a standard TEN the Council will have to organise a hearing to consider the objection and may impose conditions or decide that the event cannot go ahead. If an objection is received against a late TEN, no hearing is held and the application is refused.

3.0 Attachments

- 3.1 A list of Temporary Event Notices numbers by ward that have been received and acknowledged between 1 January and 31 March 2016 is attached at **Appendix A** (to follow).

- 3.2 A detailed list of Temporary Event Notices is attached at **Appendix B**.

4.0 RECOMMENDATION

That the report be noted.

Background Papers

Nil

For further information please contact Nicola Kellas on extension 5894.

Karen White
Director – Safety

TEMPORARY EVENT NOTICES ACKNOWLEDGED BETWEEN OCTOBER 1, 2015 AND OCTOBER 31, 2015 INCLUSIVE

KEY FOR LICENCED ACTIVIES

A – THE SALE BY RETAIL OF ALCOHOL

C – SUPPLY OF ALCOHOL BY OR ON BEHALF OF A CLUB TO, OR TO THE ORDER OF, A MEMBER OF THE CLUB

E - THE PROVISION OF REGULATED ENTERTAINMENT

R – THE PROVISION OF LATE NIGHT REFRESHMENT

REF	ACK'D	PREMISE	NATURE OF EVENT	DATE OF EVENT	TIME OF EVENT	LICENCED ACTIVITIES
SOUTHWELL 16/00526/TEN	30.03.2016	OLD HALL FARM, GREAVES LANE, EDINGLEY, NG22 8BJ	PRIVATE PARTY	05.08.2016	10:00 TO 23:00	E & R
SOUTHWELL 16/00524/TEN	30.03.2016	OLD HALL FARM, GREAVES LANE, EDINGLEY, NG22 8BJ	PRIVATE PARTY	17.06.2016	10:00 TO 23:00	E & R
CASTLE 16/00522/TEN	30.03.2016	RIVERSIDE PARK TOLNEY LANE NEWARK ON TRENT	BEER FESTIVAL	27.05.2016 TO 29.05.2016	10:30 TO 23:00	A & E
CASTLE 16/00520/TEN	29.03.2016	RIVERSIDE PARK TOLNEY LANE NEWARK ON TRENT	BEER FESTIVAL	27.05.2016 TO 29.05.2016	10:30 TO 23:00	A & E
BEACON 16/00515/TEN	24.03.2016	BARNBY ROAD PRIMARY AND NURSERY SCHOOL JOHN GOLD AVENUE NEWARK ON TRENT NG24 1RH	SUMMER SHOPPING EVENING	06.05.2016	18:30 TO 21:30	A
BRIDGE 16/00507/TEN	21.03.2016	BROWNHILLS LEISURE HOMES LINCOLN ROAD NEWARK ON TRENT NG24 2EA	OPEN WEEKEND	08.04.2016 09.04.2016	09:00 TO 23:00	A & E
SOUTHWELL 16/00490/TEN	17.03.2016	MINSTER SCHOOL NOTTINGHAM ROAD SOUTHWELL NG25 0LG	FASHION SHOW	20.05.2016	19:00 TO 22:00	A
DOVERBECK 16/00489/TEN	16.03.2016	CHARNWOOD COTTAGE 15 CAYTHORPE ROAD CAYTHORPE NG14 7DZ	WEDDING RECEPTION	23.07.2016	15:00 TO 23:59	A & E

COLLINGHAM 16/00486/TEN	15.03.2016	GEORGE STEPHENSON EXHIBITION HALL THE SHOWGROUND LINCOLN ROAD WINTHORPE NG24 2NY	NEWARK GARDEN SHOW	21.04.2016 22.04.2016 23.04.2016 24.04.2016	10:00 TO 23:00	A & E
LOWDHAM 16/00483/TEN	14.03.2016	LOWDHAM C OF E SCHOOL EPPERSTONE ROAD LOWDHAM NG14 7BE	SUMMER GALA	02.07.2016	11:00 TO 16:00	A & E
COLLINGHAM 16/00482/TEN	14.03.2016	COLLINGHAM FOOTBALL CLUB FOOTBALL GROUND STATION ROAD COLLINGHAM	60 TH BIRTHDAY PARTY	05.06.2016	00:00 TO 02:00	A & E
COLLINGHAM 16/00480/TEN	11.03.2016	CORONATION HALL MOOR LANE SOUTH CLIFTON NG23 7BG	WEDDING RECEPTION	30.04.2016	15:00 TO 24:00	A
COLLINGHAM 16/00478/TEN	11.03.2016	OAKRIDGE QUARTER HORSES SWINDERBY ROAD COLLINGHAM NG23 7NZ	HORSE SHOW	02.04.2016	12:00 TO 23:00	A
MUSKHAM 16/00476/TEN	11.03.2016	NORWELL VILLAGE HALL CARLTON LANE NORWELL NG23 6JN	SOCIAL EVENING	22.04.2016	19:00 TO 23:00	A
BEACON 16/00463/TEN	10.03.2016	MAGNUS LEISURE CENTRE EARP AVENUE NEWARK ON TRENT NG24 4AB	KICK BOXING	16.04.2016	19:00 TO 23:30	A & E
CASTLE 16/00460/TENLA T	09.03.2016	OLD KINGS ARMS PUBLIC HOUSE 19 KIRK GATE NEWARK ON TRENT NG24 1AD	EARLY OPENING FOR BREAKFAST	17.03.2016	08:00 TO 12:00	A & E
TRENT 16/00417/TEN	07.03.2016	BRITISH HOROLOGICAL INSTITUTE UPTON HALL MAIN STREET UPTON NG23 5TE	SINGER	01.04.2016	19:00 TO 22:00	A & E
BEACON 16/00394/TEN	04.03.2016	THE RUTLAND ARMS 13 BARNBY GATE NEWARK ON TRENT NG24 1PX	MUSIC FESTIVAL	26.03.2016 27.03.2016 28.03.2016	02:00 TO 03:00	A, E & R

OLLERTON 16/00392/TEN	04.03.2016	THE ENGLISH WINE CELLAR UNIT 4 THORESBY COURTYARD THORESBY PARK PERLETHORPE NG22 9EP	WEDDING	21.05.2016	14:00 TO 24:00	A
OLLERTON 16/00391/TEN	03.03.2016	LIFE SPRING CHURCH SHERWOOD DRIVE OLLERTON NG22 9PP	21 ST BIRTHDAY PARTY	18.03.2016	18:00 TO 24:00	A & E
FARNDON AND FERNWOOD 16/00363/TEN	02.03.2016	FARNDON MEMORIAL HALL MARSH LANE FARNDON NG24 3SZ	BIRTHDAY PARTY	28.05.2016	18:30 TO 23:45	A
RAINWORTH NORTH AND RUFFORD 16/00362/TENLAT	02.03.2016	WELLOW HOUSE SCHOOL NEWARK ROAD WELLOW NG22 0EA	PTA FUNDRAISING EVENT	12.03.2016	19:00 TO 23:30	A
COLLINGHAM 16/00343/TEN	26.02.2016	CORONATION HALL MOOR LANE SOUTH CLIFTON NG23 7BG	BEER FESTIVAL	23.04.2016	12:00 TO 23:00	A
FARNDON AND FERNWOOD 16/00342/TEN	26.02.2016	THORPE LODGE MOOR LANE THORPE NG23 5PY	POINT TO POINT MEETING	28.03.2016	10:30 TO 18:30	A
BEACON 16/00335/TENLA T	25.02.2016	MASONIC HALL 2 THE AVENUE NEWARK ON TRENT NG24 1ST	LADIES EVENING/DIN NER/DANCE	25.02.2016	23:00 TO 24:00	A & E
BRIDGE 16/00333/TEN	25.02.2016	ST LEONARDS HALL LOVERS LANE NEWARK ON TRENT NG24 1HZ	QUIZ	12.03.2016	18:30 TO 23:00	A
OLLERTON 16/00329/TEN	25.02.2016	STREET RECORD NEWARK ROAD OLLERTON	ST GEORGE DAY	24.04.2016	12:00 TO 17:00	A & E
DOVER BECK 16/00288/TENLA T	16.02.2016	THURGARTON VILLAGE HALL BLEASBY ROAD THURGARTON NG14 7FW	QUIZ	26.02.2016	18:00 TO 23:00	A

SOUTHWELL 16/00287/TEN	16.02.2016	MINSTER SCHOOL NOTTINGHAM ROAD SOUTHWELL NG25 0LG	QUIZ NIGHT	18.03.2016	18:45 TO 23:00	A
BALDERTON SOUTH 16/00286/TEN	16.02.2016	ST GILES CHURCH MAIN STREET BALDERTON	QUIZ NIGHT	12.03.2016	19:00 TO 23:00	A
SUTTON ON TRENT 16/00285/TEN	16.02.2016	WESTON VILLAGE HALL MAIN STREET WESTON NG23 6ST	QUIZ NIGHT	11.03.2016	18:00 TO 23:00	A
COLLINGHAM 16/00283/TEN	12.02.2016	WINTHORPE VILLAGE HALL 68 GAINSBOROUGH ROAD WINTHORPE NG24 2NR	FOLK MUSIC CONCERT	03.04.2016	19:00 TO 23:00	A & E
COLLINGHAM 16/00276/TEN	10.02.2016	CORONATION HALL MOOR LANE SOUTH CLIFTON NG23 7BG	AFTERNOON TEA	06.03.2016	15:00 TO 17:00	A
DOVER BECK 16/00242/TEN	05.02.2016	GUNTHORPE VILLAGE HALL DAVIDS LANE GUNTHORPE NG14 7EW	BIRTHDAY PARTY	20.02.2016	17:00 TO 24:00	A
OLLERTON 16/00132/TEN	29.01.2016	THE STABLES THORESBY PARK PERLETHORPE	WEDDING RECEPTION	27.02.2016	12:00 TO 24:00	A, E & R
TRENT 16/00113/TENLA T	26.01.2016	BRITISH HOROLOGICAL INSTITUTE UPTON HALL MAIN STREET UPTON NG23 5TE	FOLK DUO	05.02.2016	18:30 TO 22:00	A & E
SOUTHWELL 16/00108/TEN	25.01.2016	MINSTER SCHOOL NOTTINGHAM ROAD SOUTHWELL NG25 0LG	SINGER	10.02.2016	18:00 TO 22:00	A
SOUTHWELL 16/00093/TEN	19.01.2016	HOPYARD FARM HOCKERWOOD LANE UPTON NG25 0PZ	FOLK MUSIC CONCERT	07.02.2016	18:00 TO 23:30	A & R
COLLINGHAM 16/00091/TEN	19.01.2016	OAKRIDGE QUARTER HORSES SWINDERBY ROAD COLLINGHAM NG23 7NZ	HORSE SHOW	06.02.2016	12:00 TO 23:00	A & R

TRENT 16/00090/TEN	19.01.2016	ST DENNIS'S CHURCH MAIN STREET MORTON NG25 0UT	CHARITY SUPPER	05.03.2016	19:00 TO 23:00	A
SOUTHWELL 16/00084/TEN	18.01.2016	BRACKENHURST LAWNS THE NOTTINGHAM TRENT UNIVERSITY BRACKENHURST LANE SOUTHWELL NG25 0QF	BALL	28.05.2016	02:00 TO 07:00	A, E & R
SOUTHWELL 16/00081/TEN	18.01.2016	BRACKENHURST BAR THE NOTTINGHAM TRENT UNIVERSITY BRACKENHURST LANE SOUTHWELL NG25 0QF	BALL	08.02.2016	19:00 TO 03:00	A, E & R
SOUTHWELL 16/00064/TEN	13.01.2016	HALAM VILLAGE HALL THE TURNPIKE HALAM NG22 8AE	PARTY	29.01.2016	19:30 TO 23:30	A & E
DOVER BECK 16/00027/TEN	07.01.2016	THURGARTON VILLAGE HALL BLEASBY ROAD THURGARTON NG14 7FW	BIRTHDAY PARTY	29.01.2016	19:30 TO 23:30	A
SOUTHWELL 16/00008/TEN	05.01.2016	MINSTER SCHOOL NOTTINGHAM ROAD SOUTHWELL NG25 0LG	CONCERT	22.01.2016	18:45 TO 23:00	A
EDWINSTOWE AND CLIPSTONE 16/00003/TEN	04.01.2016	79 RUFFORD ROAD EDWINSTOWE NG21 9HX	WEDDING RECEPTION	30.01.2016	17:00 TO 24:00	A & E
SUTTON ON TRENT 16/00002/TEN	04.01.2016	LAXTON VILLAGE HALL HIGH STREET LAXTON NG22 0NX	BIRTHDAY PARTY	30.01.2016	19:00 TO 23:30	A & E
COLLINGHAM 16/00537/TEN	31.03.2016	SHOWGROUND OFFICES THE SHOWGROUND LINCOLN ROAD WINTHORPE NG24 2NY	EMERGENCY SERVICES HERITAGE SHOW	01.07.2016 02.07.2016 03.07.2016	10:00 TO 24:00	A,E & R