

To: Chair & Members of the General  
Licensing Sub Committee

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Wednesday, 13th November 2019

Dear Councillor

**GENERAL LICENSING SUB COMMITTEE**

You are hereby summoned to attend a meeting of the General Licensing Sub Committee of the Bolsover District Council to be held in the Council Chamber, The Arc, Clowne on Thursday, 21st November, 2019 at 10am.

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised from page 2 onwards.

Yours faithfully



Joint Head of Corporate Governance & Monitoring Officer



**We speak your language**  
Polish **Mówimy Twoim językiem**  
Slovak **Rozprávame Vaším jazykom**  
Chinese **我们会说你的语言**

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**GENERAL LICENSING SUB COMMITTEE  
AGENDA**

*Thursday, 21st November, 2019 at 10am in the Council Chamber, The Arc, Clowne*

<b>Item No.</b>	<b>PART 1 – OPEN ITEMS</b>	<b>Page No.(s)</b>
1.	<b>Apologies For Absence</b>	
2.	<b>Urgent Items of Business</b>  To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
3.	<b>Declarations of Interest</b>  Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:  a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time.	
4.	<b>Minutes</b>  To consider the minutes of the last meeting held on 24 <sup>th</sup> October 2019	3 - 5
5.	<b>Exclusion of Public</b>  "That the public be excluded from the meeting during the discussion of the following items of business to avoid the disclosure to them of exempt information as defined in Paragraph 1, Part I of Schedule 12A to the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006)".	
<b><u>PART 2 - EXEMPT ITEMS</u></b>		
6.	<b>Paragraph 1</b> <b>To consider whether an applicant remains 'Fit and Proper' to hold a Hackney Carriage/Private Hire Vehicle Driver's Licence with Bolsover District Council. (MB/19)</b>	6 - 15

# Agenda Item 4

## GENERAL LICENSING SUB COMMITTEE

Minutes of a meeting of the General Licensing Sub Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Thursday 24<sup>th</sup> October 2019 at 1000 hours.

### PRESENT:-

Members:-

Councillor Ray Heffer in the Chair

Councillors Rose Bowler, Jane Bryson, Paul Cooper, Mary Dooley, Natalie Hoy and Andrew Joesbury.

Officers:- Lisa Ingram (Legal Executive), Deborah Cartwright (Solicitor), Kevin Rowland (Licensing Team Leader) and Alison Bluff (Governance Officer).

Also in attendance at the meeting was Sharon Smith (Licensing and Enforcement Officer) for part of Minute No. 0385.

### 0380. APOLOGIES

Apologies for absence were received on behalf of Councillors Pat Cooper, Maxine Dixon, Steve Fritchley, Sandra Peake, Peter Roberts and Janet Tait.

### 0381. URGENT ITEM OF BUSINESS

The Chair consented to an urgent item of business to be considered as to whether a Hackney Carriage/Private Hire Vehicle Driver remained a fit and proper person to continue to hold a licence (HFH/19(2)), which would be considered as the last item on the agenda.

### 0382. DECLARATIONS OF INTEREST

Councillor	Minute No	Level of Interest
Rose Bowler	0385	Non Significant, Non Statutory
Ray Heffer	0386	Non Significant, Non Statutory
Jane Bryson	0386	Non Significant, Non Statutory

### 0383. MINUTES – 19<sup>th</sup> SEPTEMBER 2019

Moved by Councillor Rose Bowler and seconded by Councillor Andrew Joesbury **RESOLVED** that the Minutes of a General Licensing Sub Committee held on 19<sup>th</sup> September 2019 be approved as a correct record.

## GENERAL LICENSING SUB COMMITTEE

### 0384. EXCLUSION OF PUBLIC

Moved by Councillor Ray Heffer and seconded by Councillor Andrew Joesbury **RESOLVED** that the public be excluded from the meeting during the discussion of the following item of business to avoid the disclosure to them of exempt information as defined in Paragraph 1, Part I of Schedule 12A to the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006).

Having previously declared a Non Significant, Non Statutory interest in the following item of business, Councillor Rose Bowler left the meeting.

### 0385. TO CONSIDER WHETHER AN APPLICANT REMAINED A FIT AND PROPER PERSON TO HOLD A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER, VEHICLE AND/OR OPERATOR LICENCES WITH THE COUNCIL. AE/19(2) EXEMPT PARAGRAPH 1

The Licence Holder and his representative attended the meeting for Committee to determine whether he was a fit and proper person to hold a Hackney Carriage/ Private Hire Vehicle Driver's Licence, an Operator's licence and Vehicle licences with the Council.

The Legal Advisor confirmed she had given no legal advice to the Members of the Hearing Panel prior to the meeting.

The Licensing Team Leader presented the report.

The Hearing procedure was followed.

At the request of the Licence Holder's representative, the meeting adjourned for 30 minutes to enable the Licensing Team Leader to confirm that a hard copy record of a file note had been made by the Licensing and Enforcement Officer in regard to an incident involving the Licence Holder and the Licensing and Enforcement Officer two weeks prior to this meeting.

The Licensing Team Leader read out the file note to the meeting.

The Licensing and Enforcement Officer attended the meeting and gave her verbal account of the incident involving the Licence Holder.

The Licensing and Enforcement Officer left the meeting.

The Licence Holder, his representative, the Licensing Team Leader left the meeting whilst Committee deliberated and returned for the announcement of the decision.

Moved by Councillor Natalie Hoy and seconded by Councillor Andrew Joesbury **RESOLVED** that (1) the Licence Holder's Operators Licence be revoked with immediate effect,

## GENERAL LICENSING SUB COMMITTEE

(2) the Licence Holder's Hackney Carriage/ Private Hire Vehicle Driver's Licence be suspended for a period of 3 months,

(3) a Community Protection Warning (CPW) be served on the Licence Holder to address his unacceptable conduct towards Council officers and the CPW to be held as a wider Council record.

(Legal/Licensing Team Leader)

Reason for Decision: Having considered the evidence presented at the hearing, the Sub-Committee determined that the Applicant was not considered a 'fit and proper person' within the scope of the statutory provisions.

Having previously declared a Non Significant, Non Statutory interest in the following item of business, Councillors Ray Heffer and Jane Bryson left the meeting.

Councillor Andrew Joesbury in the Chair

**0386. TO CONSIDER WHETHER AN APPLICANT REMAINED A FIT AND PROPER PERSON TO HOLD A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE WITH THE COUNCIL. HFH/19(2) EXEMPT PARAGRAPH 1**

The Licence Holder attended the meeting for Committee to determine whether he was a fit and proper person to hold a Hackney Carriage/Private Hire Vehicle Driver's Licence with the Council.

The Legal Advisor confirmed she had given no legal advice to the Members of the Hearing Panel prior to the meeting.

The Licensing Team Leader presented the report.

The Hearing procedure was followed.

The Licence Holder and the Licensing Team Leader left the meeting whilst Committee deliberated and returned for the announcement of the decision.

Moved by Councillor Rose Bowler and seconded by Councillor Mary Dooley **RESOLVED** that the Licence Holder's Licence be REVOKED.

Reason for Decision: Having considered the evidence presented at the hearing, the Sub-Committee determined that the Applicant was not considered a 'fit and proper person' within the scope of the statutory provisions.

(Licensing Team Leader)

The meeting concluded at 1335 hours.

# Agenda Item 6

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A% of the Local Government Act 1972.

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