

To: Chair & Members of the General
Licensing Sub Committee

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Tuesday 13th April 2021

Dear Councillor

GENERAL LICENSING SUB COMMITTEE

You are hereby summoned to attend a meeting of the General Licensing Sub Committee of Bolsover District Council to be held as a virtual meeting on Zoom and in the Council Chamber on Thursday, 22nd April, 2021 at 10:00 hours.

Members will be sent the details on how to access the Virtual Meeting by email.

Virtual Attendance and Hybrid Meetings

I have provided the Leader and Deputy Leader with advice on the holding of “hybrid” meetings outlining the risks including to employees dealing with the Chamber and to Members. Hybrid meetings are those where some attendance is in person in the Council Chamber and some is virtual.

I would encourage you all to attend virtually.

Accordingly if you attend in person you will be deemed to have accepted the following disclaimer (overleaf) as applying.



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

**If you require this agenda in large print
or another format please call us on 01246 217753**

If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

Risk Assessment Disclaimer

When attending this meeting in person, I confirm that I have read and understood the contents of each of the following risk assessments and agree to act in line with its content.

- Covid-19 ARC RTW RA001
- Working in Offices At The Arc During Covid-19 Pandemic Guidance – ARC – SSW001
- Meetings – EM001 - Committee and Council Meetings during the Covid-19 pandemic

These documents have been emailed to Members and are available on the Modern.Gov App library.

The same advice is given to officers who are also encouraged to participate in the meeting remotely.

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 3 onwards.

Yours faithfully

A handwritten signature in black ink that reads "Sarah Steenberg". The signature is written in a cursive, flowing style.

Solicitor to the Council & Monitoring Officer

**GENERAL LICENSING SUB COMMITTEE
AGENDA**

***Thursday, 22nd April, 2021 at 10:00 hours taking place as a virtual meeting & in the
Council Chamber***

Item No.		Page No.(s)
	<u>PART 1 - OPEN ITEMS</u>	
1.	Apologies For Absence	
2.	Urgent Items of Business	
	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.	Declarations of Interest	
	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.	Minutes (4th March 2021)	4 - 5
5.	Minutes (17th March 2021)	6 - 8
6.	Exclusion of the Public	
	To move:-	
	"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 1 of Schedule 12A to the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006)".	
	<u>PART 2 - EXEMPT ITEMS</u>	
7.	To determine an application made under the Scrap Metal Dealers Act 2013 which has received a representation	9 - 30

Agenda Item 4

GENERAL LICENSING SUB COMMITTEE

Minutes of a meeting of the General Licensing Sub Committee of the Bolsover District Council held as a virtual meeting on Thursday, 4th March 2021 at 10:00 hours.

PRESENT:-

Members:-

Councillor Ray Heffer in the Chair

Councillors Andrew Joesbury (Vice-Chair), Rose Bowler, Tracey Cannon, Paul Cooper, Maxine Dixon, Mary Dooley, David Downes, Steve Fritchley and Sandra Peake.

Officers:- Kevin Shillitto (Solicitor), Michelle James (Interim Licensing Manager), Darren Rowley (Licensing & Enforcement Officer), Liz Robinson (Governance Support Officer) and Tom Scott (Governance Officer).

GLSC702-20/21 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Jane Bryson and Peter Roberts.

GLSC703-20/21 URGENT ITEMS OF BUSINESS

There was no urgent business to be considered at the meeting.

GLSC704-20/21 DECLARATIONS OF INTEREST

There were no declarations made at the meeting.

GLSC705-20/21 MINUTES

Moved by Councillor Ray Heffer and seconded by Councillor Andrew Joesbury.

RESOLVED that the minutes of a meeting of the General Licensing Sub Committee held on 5th November 2020 be approved as a true and correct record.

GLSC706-20/21 EXCLUSION OF THE 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 1 of Schedule 12A to the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006).

GLSC707-20/21 TO CONSIDER WHETHER AN APPLICANT IS FIT AND PROPER TO HOLD A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER'S LICENCE WITH BOLSOVER DISTRICT COUNCIL

The applicant attended the meeting for Committee to decide if he was a fit and proper

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person to hold a Hackney Carriage and Private Hire Vehicle Driver's Licence.

The Interim Licensing Manager and Licensing & Enforcement Officer presented the report.

The Hearing Procedure was followed.

The applicant, the Interim Licensing Manager and the Licensing & Enforcement Officer left the meeting whilst the Committee deliberated and returned for the announcement of the decision.

Moved by Councillor Steve Fritchley and seconded by Councillor Tracey Cannon.

RESOLVED that the applicant –

- (1) was a fit and proper person to hold a Hackney Carriage/Private Hire Vehicle Driver's Licence, and the Licence be granted subject to the condition that within a period of 3 months from when the testing facilities become available, the applicant must take the practical taxi driving test required by the Council. Failure to satisfactorily complete the test will result in a referral back to the Sub-Committee for further consideration.

(Interim Licensing Manager/Licensing & Enforcement Officer)

The meeting concluded at 11:00 hours.

Agenda Item 5

GENERAL LICENSING SUB COMMITTEE

Minutes of a meeting of the General Licensing Sub Committee of the Bolsover District Council held as a virtual meeting on Wednesday 17th March 2021 at 11:30 hours.

PRESENT:-

Members:-

Councillor Ray Heffer in the Chair

Councillors Andrew Joesbury (Vice-Chair), Rose Bowler, Jane Bryson, Tracey Cannon, Maxine Dixon, Mary Dooley, David Downes, Sandra Peake and Rita Turner.

Officers:- Kevin Shillitto (Solicitor), Michelle James (Interim Licensing Manager), Sharon Smith (Licensing & Enforcement Officer), Charmaine Terry (Licensing & Enforcement Officer), Hannah Cash (Legal Executive), Amy Bryan (Senior Governance Officer) and Tom Scott (Governance Officer).

Also in attendance at the meeting for Minute No. GLSC711-20/21 was Nicola Aldersley of Chesterfield Taxi Supplies.

GLSC708-20/21 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Steve Fritchley and Peter Roberts.

GLSC709-20/21 URGENT ITEMS OF BUSINESS

There was no urgent business to be considered at the meeting.

GLSC710-20/21 DECLARATIONS OF INTEREST

There were no declarations made at the meeting.

GLSC711-20/21 TO CONSIDER AN EXCEPTION TO BOLSOVER DISTRICT COUNCIL'S TAXI LICENSING POLICY FOR A PRIVATE HIRE VEHICLE LICENCE APPLICATION

The Licensing & Enforcement Officer presented a report to Members to consider an exception to the Hackney Carriage and Private Hire Vehicle Policy for a Private Hire Vehicle Licence submitted by Nicola Aldersley of Chesterfield Taxi Supplies. The application was regarding a vehicle that was damaged in an accident and the licence was suspended on 19th January 2021.

The report explained that the vehicle in question was a non-structural damage write off, so the application had been referred to Members to consider if the vehicle was safe and fit for purpose and a departure from the current Taxi Licensing Policy was appropriate.

Councillor David Downes wished to clarify exactly what had happened with the vehicle and its fitness for the road. The Licensing & Enforcement Officer explained the vehicle had been repaired and was presented for testing at Doe Lea Depot on 17th February

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2021, where it passed the Council test as well as the MOT test and it was deemed fit for use on the road. However, due to the Council's licensing policy about how to deal with write-off status, the vehicle's licence was suspended.

The Solicitor explained that the policy was designed in this fashion to automatically suspend write-offs of all categories because the category this vehicle fell into also included electrics and brakes. This meant that all vehicle write-offs would need to be considered by Licensing Members.

Councillor Sandra Peake felt that the Council's policy on write-offs needed to be reassessed, because it was contrary to the Government's guidelines on roadworthy vehicles and write-offs and led to situations like this.

Councillor Andrew Joesbury felt it was important that all write-offs had to be considered by a Licensing Committee to ensure that no vehicles slipped through the net.

The Chair (after legal advice) invited the applicant Nicola Aldersley to explain the repair work undertaken by the taxi company. She explained that the damage had all been repaired before presenting the vehicle to Doe Lea Depot for the Council and MOT tests.

The Solicitor advised that because sensitive information about the vehicle not included in the public report would be discussed when Members deliberated their decision, Members should move the meeting into a private non-public session to deliberate. The Chair agreed to deliberate the decision in a private non-public session.

The applicant, the Interim Licensing Manager and the Licensing & Enforcement Officers left the meeting whilst the Committee deliberated and then returned for the announcement of the decision.

Moved by Councillor Andrew Joesbury and seconded by Councillor David Downes.

RESOLVED that the Sub Committee –

- (1) Agrees to an exception to the policy requirements and approves the application.

(Interim Licensing Manager/Licensing & Enforcement Officer)

GLSC712-20/21 EXCLUSION OF THE 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 1 of Schedule 12A to the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006).

GLSC713-20/21 TO CONSIDER WHETHER TO GRANT AN EXEMPTION FROM PARTS OF THE HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER'S LICENCE APPLICATION PROCESS OUTLINED IN POLICY, AND TO CONSIDER WHETHER AN APPLICANT IS FIT AND PROPER TO HOLD A HACKNEY CARRIAGE/PRIVATE HIRE

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VEHICLE DRIVER'S LICENCE WITH BOLSOVER DISTRICT COUNCIL

The applicant attended the meeting for Committee to decide if he was a fit and proper person to hold a Hackney Carriage and Private Hire Vehicle Driver's Licence, and also decide whether to grant an exemption from parts of the Hackney Carriage/Private Hire Driver's Licence Application Process outlined in Policy.

The Interim Licensing Manager and Licensing & Enforcement Officer presented the report.

The Hearing Procedure was followed.

The applicant, the Interim Licensing Manager and the Licensing & Enforcement Officers left the meeting whilst the Committee deliberated and returned for the announcement of the decision.

Moved by Councillor Ray Heffer and seconded by Councillor Mary Dooley.

RESOLVED that the applicant –

- (1) Was a fit and proper person to hold a Hackney Carriage/Private Hire Vehicle Driver's Licence.
- (2) Was granted an exemption from parts of the Hackney Carriage/Private Hire Driver's Licence Application Process outlined in Policy.
- (3) Has any fees paid to make this application waived by the Council.

(Interim Licensing Manager/Licensing & Enforcement Officer)

The meeting concluded at 13:10 hours.

Agenda Item 7

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

Document is Restricted