

To: Chair & Members of the General
Licensing Sub Committee

The Arc
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Monday 8 March 2021

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 as a Virtual Meeting on Wednesday, 17th March, 2021 at 11:30 hours.

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

Virtual Attendance

I have provided **all Members** with advice that all meetings **must** be held virtually during the National Lockdown. The Council Chamber will not be available for Members to attend the meeting physically during this time, **Should you decide to disregard this advice and potentially be in breach of the law, you will be deemed to have accepted the risk assessments listed for the Arc.**

The Governance and ICT teams supporting the meeting will be working remotely, and can provide assistance to you for joining virtually.



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

The following risk assessments are available on the Modern.Gov App library:

- 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

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**

Wednesday, 17th March, 2021 at 11:30 hours taking place as a Virtual Meeting

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.	To consider an exception to Bolsover District Council's Taxi Licensing Policy for a Private Hire Vehicle Licence application	4 - 8
5.	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 I 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>	
6.	To consider whether to grant an exemption from parts of the Hackney Carriage/Private Hire Vehicle Driver's Licence Application Process outlined in the Policy, and to consider whether an applicant is 'Fit and Proper' to hold a Hackney Carriage/Private Hire Vehicle Driver's Licence with Bolsover District Council	9 - 23

Bolsover District Council

General Licensing Sub Committee

17th March 2021

To consider an exception to Bolsover District Council's Taxi Licensing Policy for a Private Hire Vehicle Licence application

Report of the Licensing Team Leader

This report is public

Purpose of the Report

- 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, 52 Gomersal Lane, Dronfield, S18 1RU.
- The vehicle is a non-structural damage write off. Therefore, the application has been referred to the Licensing Committee to consider if the vehicle is safe and fit for purpose and a departure from the current Taxi Licensing Policy is appropriate.

1 Report Details

- 1.1 Vehicle registration No. EX60 ZGM is a Silver Mondeo, first registered 05.10.2010
- 1.2 The vehicle has previously been licensed with Bolsover District Council and is known to the Licensing Authority as **Private Hire 707**. The plate expiry date of the previous licence was 27 February 2021.
- 1.3 This vehicle was damaged in an accident and the licence was suspended on 19 January 2021.
- 1.4 The vehicle was classed as a Category N write off, which means that there was damage to the vehicle bodywork but that it did not have any damage to the structure or chassis of the vehicle also known as a non-structural damage write off. Mrs Aldersley advises that the insurance company paid out as a financial decision as opposed to a safety issue.
- 1.5 The vehicle has been subsequently repaired and was presented for testing at Doe Lea Depot On 17 February 2021 where it has passed the council test as well as the MOT test and it was deemed fit for use on the road. Licence plates were issued and attached by the depot onto the vehicle upon passing the vehicle fitness test. These licence plates have subsequently been suspended.
- 1.6 As a result of the suspension, this renewal application for a six month vehicle licence has now been accompanied by a request for an exception to the policy requirements.

- 1.7 Appendix A of the Vehicle Specifications within the Taxi Licensing Policy states that a vehicle shall: ***Not have been written off for insurance purposes at any time.***
- 1.8 A category N vehicle write-off, or non-structural write off, is where a vehicle which has damage to its bodywork or internal damage to carpet and furnishing, thus it is not considered financially viable to repair by the insurers. This is typically based upon the retail cost of repairing the vehicle which includes labour costs. Many vehicles return to the road having been purchased from the insurance companies where bodywork repairs are carried out by the purchaser.
- 1.9 A copy of the Insurance Write Off status description from Gov.uk is appended to this report as Appendix 1.
<https://www.gov.uk/scrapped-and-written-off-vehicles/insurance-writeoffs>
- 1.10 The current Taxi Licensing Policy 2018 at 4.17 states that:
Applications in respect of any vehicle which doesn't meet the specifications required in this Policy will be referred to the Licensing Committee for consideration.

2 Conclusions and Reasons for Recommendation

- 2.1 The Licensing Sub-Committee may –
- Agree to an exception to the policy requirements and approve the application
 - Refuse the application

3 Consultation and Equality Impact

- 3.1 None

4 Alternative Options and Reasons for Rejection

- 4.1 None

5 Implications

5.1 Finance and Risk Implications

An appeal against this decision would incur costs in preparing a defence case and to attend Court. Costs may be recovered at the discretion of the Magistrates in the event that the application is dismissed.

Costs could be awarded against the Authority in the event that the appeal is successful.

In the event that a licence is granted other than in accordance with the Council's Licensing Policy, the reasons for departing from policy could be subject to scrutiny and the Council's reputation harmed if the decision is not reasonable.

5.2 Legal Implications including Data Protection

The aforementioned parties have the right to make an appeal to the Magistrates' Court if they are not satisfied with the outcome of the hearing.

5.3 Human Resources Implications

None

6 Recommendations

- 6.1 That the Licensing Sub-Committee considers the options listed in Paragraph 2.1 of this report.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes/No
District Wards Affected	None
Links to Corporate Plan priorities or Policy Framework	All

8 Document Information

Appendix No	Title
1	Write Offs Government Guidance
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	

No background papers	
Report Author	Contact Number
Sharon Smith	X 7838

Insurance write-offs

When you make an insurance claim because your vehicle is damaged, your insurance company will tell you:

- if your vehicle is being ‘written off’
- how much they’ll pay you

When your vehicle is written off, your insurance company pays you the current value of the vehicle, instead of the cost of repairing it.

Your insurance company will decide if the vehicle should be written off or not.

Write-off categories

What you do next depends on which category your vehicle is in.

Category	Repairing the vehicle	Using the vehicle
A	Cannot be repaired	Entire vehicle has to be crushed
B	Cannot be repaired	Body shell has to be crushed, but you can salvage other parts from it
C	Can be repaired, but it would cost more than the vehicle’s worth	You can use the vehicle again if it’s repaired to a roadworthy condition
D	Can be repaired and would cost less than the vehicle’s worth, but other costs (such as transporting your vehicle) take it over the vehicle’s value	You can use the vehicle again if it’s repaired to a roadworthy condition
N	Can be repaired following non-structural damage	You can use the vehicle again if it’s repaired to a roadworthy condition
S	Can be repaired following structural damage	You can use the vehicle again if it’s repaired to a roadworthy condition

Agenda Item 6

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

Document is Restricted