



The Arc
High Street
Clowne
S43 4JY

To: Chair & Members of the General
Licensing Sub Committee

Contact: Tom Scott
Telephone: 01246 217045
Email: tom.scott@bolsover.gov.uk

Wednesday 23rd February 2022

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 at the Council Chamber, The Arc, Clowne on Thursday, 3rd March, 2022 at 11:00 hours.

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.



Bolsover
District Council

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

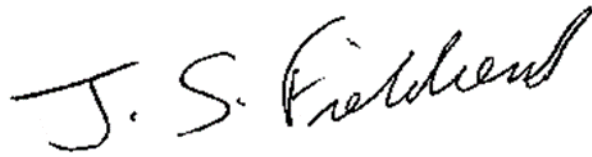
**If you require this agenda in large print
or another format please call us on 01246 217753**

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.

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 onwards.

Yours faithfully

A handwritten signature in black ink, reading "J. S. Fielden". The signature is written in a cursive style with a large, sweeping initial "J" and a long, horizontal stroke extending to the right.

Interim Monitoring Officer

**GENERAL LICENSING SUB COMMITTEE
AGENDA**

***Thursday, 3rd March, 2022 at 11:00 hours taking place at the Council Chamber, The Arc,
Clowne***

Item No.		Page No.(s)
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 To consider the minutes of the General Licensing Sub Committee meeting held on 11 th November 2021.	4 - 5
5.	To consider a Request for an Exemption to the Hackney Carriage and Private Hire Vehicle Policy	6 - 12

GENERAL LICENSING SUB COMMITTEE

Minutes of a meeting of the General Licensing Sub Committee of Bolsover District Council held in the Council Chamber, The Arc, Clowne on Thursday 11th November 2021 at 10:00 hours.

PRESENT:-

Members:-

Councillor Ray Heffer in the Chair

Councillors Andrew Joesbury (Vice-Chair) and Mary Dooley.

Officers:- Kevin Shillitto (Solicitor), Charmaine Terry (Environmental Health Team Manager - Licensing), Sharon Smith (Licensing and Enforcement Officer), Hannah Cash (Legal Executive) and Tom Scott (Governance Officer).

In attendance at the meeting were General Licensing Sub Committee Members Councillor Rose Bowler and Councillor Dan Salt.

Also in attendance at the meeting was the applicant for Minute Number GLSC23-21/22.

GLSC18-21/22 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Maxine Dixon and Councillor David Downes (Portfolio Holder - Leisure and Tourism).

GLSC19-21/22 URGENT ITEMS OF BUSINESS

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

GLSC20-21/22 DECLARATIONS OF INTEREST

There were no declarations made at the meeting.

GLSC21-21/22 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 14th October 2021 be approved as a true and correct record.

GLSC22-21/22 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

GENERAL LICENSING SUB COMMITTEE

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).

GLSC23-21/22 TO CONSIDER AN APPLICATION FOR A HACKNEY CARRIAGE/ PRIVATE HIRE VEHICLE DRIVER

The applicant attended the meeting for Committee to determine whether or not to grant an application for a Hackney Carriage/Private Hire Vehicle Driver's Licence.

The Licensing and Enforcement Officer presented the report.

The Taxi Applicant Hearing Procedure was followed.

The officers present informed the General Licensing Sub Committee that a letter from the DVLA to the applicant about a speeding offence had been sent to the incorrect address. The Members on the hearing panel requested that a letter be sent from the Chair to the DVLA expressing their disappointment that the DVLA sent this letter to the incorrect location.

The applicant, the Environmental Health Team Manager – Licensing, the Licensing and Enforcement Officer, Councillor Rose Bowler and Councillor Dan Salt left the meeting whilst the Committee deliberated and returned for the announcement of the decision.

Moved by Councillor Mary Dooley and seconded by Councillor Andrew Joesbury.

RESOLVED that the Sub Committee –

1. Grants the licence.

(Environmental Health Team Manager – Licensing/Licensing and Enforcement Officer/
Solicitor)

The meeting concluded at 10:40 hours.

Bolsover District Council

Meeting of the General Licensing Sub-Committee

3rd March 2022

Report of the Environmental Health Team Manager (Licensing)

Classification	This report is Public
Report By	Samantha Crossland, Licensing Support Officer, 01246 217884, Samantha.crossland@ne-derbyshire.gov.uk
Contact Officer	Charmaine Terry, Environmental Health Team Manager (Licensing), 01246 217228, charmaine.terry@ne-derbyshire.gov.uk

PURPOSE/SUMMARY OF REPORT

- To consider a request for an exemption to the Hackney Carriage and Private Hire Vehicle Policy.

REPORT DETAILS

1. Background

- 1.1 Bolsover District Council is responsible for the licensing and regulation of Hackney Carriage and Private Hire Vehicles, Drivers and Operators under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. As part of those responsibilities the General Licensing Sub-Committee is required to consider applications and/or requests where an application or licence holder fails to meet the required standards set in the Council's Taxi Licensing Policy.
- 1.2 In September 2018 the Council adopted a new Taxi Licensing Policy for Hackney Carriage and Private Hire Vehicles ('the Policy'). The Policy sets out the minimum comfort and safety standards that vehicles are expected to meet to be licensed with the authority. Appendix A to this Policy sets out a detailed specification.
- 1.3 Paragraph 12 of Appendix A to the Policy sets out the following specification in relation to livery:

Livery – Hackney Carriages

Hackney carriages can be painted any single colour (other than black or white) with a white bonnet and boot/tailgate.

An exception will be made for substitute hackney carriages following damage or an accident (for a maximum period of 1 month) if the substitute vehicle is licensed appropriately.

2. Details of Proposal or Information

- 2.1 Vehicle plate number H107 with a vehicle registration number of R333 JHB (previously registered as FL13 HWV) has been licensed with Bolsover District Council since 5th February 2021 and the current licence is due to expire on 05th August 2022.
- 2.2 Following the initial issue of the licence, it came to the attention of the Licensing Section that the vehicle was black with a white bonnet and boot and therefore, did not comply with Paragraph 12 of Appendix A to the Policy, as set out in paragraph 1.3 to the report.
- 2.3 Council records show that the vehicle has been black with a white bonnet and boot since it was initially licensed on 05th February 2021 and has not changed in colour since that date.
- 2.4 On 28th October 2021 the vehicle licence holder was contacted and informed that the colour of the vehicle did not meet the specification set in the Policy. The licence holder was advised that the colour of the vehicle needed to be changed to adhere to the Policy; or alternatively they could request that the vehicle be exempt from the specification set out in the Policy.
- 2.5 Subsequently on 4th November 2021, a letter was sent to the licence holder to formally request that they change the colour of the vehicle or request an exemption. A copy of the letter is attached as Appendix 1.
- 2.6 On 8th November 2021 the licence holder submitted a request that the vehicle be exempt from the requirements set out in Paragraph 12 to Appendix A of the Policy. A copy of this request is attached as Appendix 2.

3. Reasons for Recommendation

- 3.1 None

4 Alternative Options and Reasons for Rejection

- 4.1 None

RECOMMENDATION(S)

- 1. That the General Licensing Sub-Committee considers the request for an exemption.

2. That the General Licensing sub-committee:

- Grants the exemption;
- Grants the exemption for a limited period; or
- Refuses the exemption and requires the licence holder to change the colour of the vehicle within a specified time frame.

Approved by the Portfolio holder - N/A

IMPLICATIONS:

Finance and Risk: Yes ☒ No ☐

Details:

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.

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☒ No ☐

Details:

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

On behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒

Details:

On behalf of the Head of Paid Service

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: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i>	No

District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	No Details:

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.
All

DOCUMENT INFORMATION	
Appendix No	Title
1	Letter of Non-compliance to Licence Holder
2	Request for Exemption

Background Papers <i>(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)</i>
Application form and supporting documentation



**North East
Derbyshire**
District Council

e-mail: licensing@ne-derbyshire.gov.uk
Our Ref: [REDACTED]
Please Ask For: Samantha Crossland
Direct Line: 01246 217884
Date: 4th November 2021



Joint Environmental Health
Service

Local Government (Miscellaneous Provisions) Act 1976
Hackney Carriage Vehicle Licence
Plate Number: H107
Vehicle Registration: R333 JHB

Dear [REDACTED]

Further to our telephone conversation of the 28th October 2021, I am writing to confirm it has come to our attention that the current colour of your vehicle with registration number R333 JHB and plate number H107 contravenes the Bolsover District Council Taxi Licensing Policy for Hackney Carriages and Private Hire Vehicles.

Paragraph 12 to Appendix A of the policy states that "Hackney Carriages can be painted any single colour (other than black or white) with a white bonnet and boot/tailgate." A copy of the policy has been enclosed for your reference.

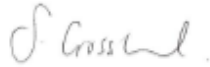
In order for your vehicle to comply with the council's policy the colour of the vehicle will need to be changed or an exemption from the council's policy will need to be granted. As discussed, this exemption will need to be granted by the council's General Licensing Sub-Committee.

I am therefore writing to request that you complete one of the following:

- Get your vehicle sprayed or wrapped so that the colour meets the specification set out in the policy; or,
- Submit a written request that you wish to be exempt from the policy requirements set out above.

Should you choose to request an exemption we would ask that you submit your request to us as soon as possible. However, should you choose to continue to licence this vehicle and get the colour of your vehicle changed, we would ask that you do this by no later than the date the vehicle will fall due for renewal in August of 2022.

Kind regards

A handwritten signature in cursive script, appearing to read 'S. Crossland'.

Samantha Crossland
Licensing Support Officer

From: ***** [mailto:*****@outlook.com]
Sent: 08 November 2021 10:17
To: Licensing <Licensing@ne-derbyshire.gov.uk>
Subject: REGISTRATION R333JHB MR *****

Warning External

Good morning just a short e mail for Mr ***** to ask if his currently licenced vehicle can remain in service till, he decides to change the car in the future this request is to be forwarded to the committee meeting to be decided with it being a black and white hackney carriage vehicle it's been licenced with you for around 18 months now when Mr ***** purchased this vehicle he taken it on with 48 month's worth of finance so to remove this car now will financially hit Mr ***** and his family having a vehicle he now can't use for work and wasn't aware at the time he couldn't have a black and white vehicle obviously if this can be turned around to help Mr ***** this mistake will not happen again in the future

kind regards
