

GENERAL LICENSING SUB COMMITTEE

Minutes of a meeting of the General Licensing Sub Committee of the Bolsover District Council held in Committee Room 1, The Arc, Clowne on Thursday, 5th December 2024 at 10:00 hours.

PRESENT:-

Members:-

Councillor Emma Stevenson in the Chair

Councillors David Bennett, Jeanne Raspin and Rita Turner.

Officers:- Louise Arnold (Legal Team Manager (Deputy Monitoring Officer)), Lindsey Delamore (Licensing and Enforcement Officer) and Matthew Kerry (Governance and Civic Officer).

Also in attendance at the meeting, observing, was Councillor Jeanne Raspin and Thomas Dunne-Wragg (Scrutiny Officer).

GLSC1--24/25 ELECTION OF CHAIR FOR THE MEETING

Moved by Councillor David Bennett and seconded by Councillor Rita Turner
RESOLVED that Councillor Emma Stevenson be elected as Chair for the meeting.

Councillor Emma Stevenson in the Chair

GLSC2--24/25 APOLOGIES FOR ABSENCE

An apology of absence was received on behalf of Councillor Mary Dooley.

GLSC3--24/25 DECLARATIONS OF INTEREST

There were no declarations of interest made.

GLSC4--24/25 MINUTES

Moved by Councillor Rita Turner and seconded by Councillor Emma Stevenson
RESOLVED that the minutes of the meeting of the General Licensing Sub Committee held on 1st February 2024 be approved as a true and correct record.

GLSC5--24/25 EXCLUSION OF THE PUBLIC

Moved by Councillor Emma Stevenson and seconded by Councillor David Bennett
RESOLVED that under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the stated Paragraph of Part 1 of Schedule 12A of the Act and it is not in the public interest for that to be revealed.

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GLSC6--24/25 TO CONSIDER WHETHER AN APPLICANT REMAINS 'FIT AND PROPER' TO HOLD A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER'S LICENCE

The Chair opened the meeting and welcomed those in attendance.

The Licence Holder was not present at the meeting. The Licence Holder had informed Council Officers of their intention to return their Hackney Carriage / Private Hire Driver's Vehicle licence and remain absent for the meeting.

Moved by Councillor Emma Stevenson and seconded by Councillor David Bennett **RESOLVED** that the Sub Committee proceeded in the Licence Holder's absence.

The Licensing and Enforcement Officer presented the report to the Sub Committee.

The Council was responsible for the licensing and regulation of Hackney Carriage / Private Hire Vehicles, Drivers and Operators under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.

The Council had a Taxi Licensing Policy which set out the standards that drivers were expected to meet to show they were 'Fit and Proper' to hold a licence with the Council.

As part of the Council's responsibilities, the General Licensing Sub Committee was required to consider applications and / or requests where an applicant or licence holder had failed to meet the required standards set in the Council's Taxi Licensing Policy (the 'Policy').

The Licence Holder had held a combined Hackney Carriage / Private Hire Vehicle Driver's Licence with the Council since 13th March 2018, with the current licence due to expire on 12th March 2027. A copy of the licence was attached at Appendix 1 and 2.

On 22nd October 2024, the Licensing Team had received an anonymous complaint alleging that on 21st October 2024, at around 14:05 hours, the Licence Holder had been involved in an altercation with two scooters on Balmoral Drive after the junction of Ballater Close, Mansfield. The complaint alleged that the Licence Holder's vehicle was involved in an incident where their vehicle may have collided with an individual on a scooter before proceeding to drive away.

The Licensing Team subsequently contacted the Licence Holder's Private Hire Operator to obtain a copy of the CCTV footage from the vehicle. The CCTV footage (internal and external) of the journey subject to the complaint was shown to the sub-committee.

On 30th October 2024, the Licence Holder had attended the Council offices to discuss the complaint, they were interviewed by the Licensing and Enforcement Officer and Licensing Support Officer. A copy of the minutes of this meeting was attached at Appendix 3.

During this meeting, the Licence Holder was asked on more than one occasion to lower their voice as they became frustrated at having to recount the incident. The Licence Holder was offered the opportunity to view the CCTV footage of the incident but declined, stating they had already given their version of events to their Private Hire Operator and Nottinghamshire Police.

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Following the meeting on 30th October 2024, the Officers in attendance made a report to the Licensing Team Manager. They had been concerned about the Licence Holder's behaviour during the meeting. Officers reported that the Licence Holder had been intimidating and irate, and for their own safety felt it necessary to cut the meeting short. These reports of concern were attached at Appendices 4 and 5.

On 18th November 2024, the Licensing Team had requested full details of any complaints held on record for the Licence Holder from the Private Hire Operator. A copy of the response was attached at Appendix 6.

In their response, the Private Hire Operator had confirmed the Licence Holder was no longer working for them.

A Member asked if all operators retained CCTV records. The Licensing and Enforcement Officer confirmed operators did, even for minor issues; the Licensing Team would collect CCTV records during an investigation.

The Sub Committee were informed that the Council's records showed that the Licence Holder had the following endorsements on their DVLA driving licence during their time as a Council licenced driver.

Offence Date:	Expiry Date:	Offence Code:	Endorsement:
23.06.2019	23.06.2022	SP30 – Exceeding the statutory speed limit on a public road	3 points

A check of the Licence Holder's record revealed two complaints.

On 8th March 2019, an allegation had been received that they had been rude and abusive towards passengers. A copy of this complaint was attached at Appendix 7.

During the investigation of this complaint, Officers had interviewed the Licence Holder and reported concerns about their behaviour during the interview. Notes from the Officer's accounts of this meeting were attached at Appendices 8 and 9.

A warning letter was subsequently sent to the Licence Holder, and this was attached at Appendix 10. The Licence Holder's reply to the warning was attached at Appendix 11.

When considering the most recent complaint, Officers had carried out a review of the Licence Holder's licence history and were concerned about their conduct towards others, including the aggressive behaviour exhibited towards Council Officers during the conduct of their investigations.

It was stated that the most pressing concern of the Licensing Team was on the rude and aggressive behaviour of the Licence Holder. The overriding concern for Members when reviewing this case was protection of the public.

The Chair opened the Sub Committee to questions.

The Legal Team Manager asked if there had been any update from the police. The Licensing and Enforcement Officer confirmed no further update was available, though the

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crime reference number was still open; this would be followed up on after the Sub Committee.

The Chair shared concerns on the process that was followed. The Council had been made aware of this case on 22nd October 2024, but the first hearing of this to the Chair was the agenda being provided to the Sub Committee – why had this not been discussed by the Chair and the Chief Executive, with regards the serious nature of this case, to immediately revoke the licence before a Sub Committee could be arranged to review?

The Licensing and Enforcement Officer explained this had been discussed by the Licensing Team, but a decision had been made to bring to the Sub Committee alone.

The Chair stated they believed this should have been reviewed before a Sub Committee was held, like in previous cases. A Member agreed, adding this had been an issue regarding the safety of the public. The Licensing and Enforcement Officer confirmed this procedure of alerting the Chair and Chief Executive would be reviewed by the Licensing Team after the Sub Committee.

A Member asked if the police had taken any action against the other road users shown in the CCTV footage, who may have antagonised the Licence Holder. The Chair believed this was likely irrelevant, due to the threat to their physical wellbeing when the Licence Holder was driving the vehicle capable of most lethality.

With the Licence Holder not present, the Sub Committee was adjourned at 10:19 hours. The Licensing and Enforcement Officer left the room for Members to deliberate.

The Sub Committee reconvened at 10:26 hours. The Licensing and Enforcement Officer returned to the meeting.

The Chair invited the Legal Team Manager to set out in summary the Sub Committee's decision.

The Legal Team Manager stated the decision of the Licensing Sub Committee was: to **REVOKE** the combined Hackney Carriage and Private Hire Driver's Licence **WITH IMMEDIATE EFFECT**.

The Sub Committee had made findings of fact and gave the following reasons:

1. The Panel had concerns about the Licence Holder's overall driving history:
 - I. There was a complaint in 2019 about the Licence Holder being rude and abusive towards passengers, with Officers observing the same behaviours in interview;
 - II. The Licence Holder had failed to report, in accordance with Policy, an endorsement on his DVLA licence in 2019; and,
 - III. Following the most recent complaint, Officers had noted the Licence Holder's behaviours and had raised concerns about his aggressive attitude during a meeting.

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2. In relation to the complaint received in October 2024, the Panel viewed the CCTV footage (internal and external) taken from the taxi. This footage showed the Licence Holder swearing repeatedly at two males who were riding scooters. The footage also showed the Licence Holder speeding up and driving towards the males. After one male punched the bonnet of the Licence Holder's taxi, the Licence Holder then drove at and 'clipped' the back of the scooter being ridden by the male. The Licence Holder then drove over the other scooter that had been placed on the floor by the second male.
3. The Panel had significant concerns about the Licence Holder's behaviours and attitudes, as observed by Officers in 2019 and 2024. The Licence Holder had been aggressive to Officers both times they had been interviewed about complaints.
4. The Panel were shocked by the CCTV footage showing the Licence Holder reacting to issues with aggression and anger. The male on the scooter that appeared to be purposefully 'clipped' by the Licence Holder could have been seriously injured if he had fallen off.
5. The Licence Holder's behaviours and reactions fell well below what would be expected of a professional driver – they placed other people in danger as a result of their driving.
6. The Panel asked themselves whether they 'would allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person who they cared for to get into a vehicle with him' – the answer was a very firm 'no'.
7. The Panel's decision was to revoke the Licence Holder's combined licence with immediate effect in accordance with Section 61(1)(B) of the Local Government (Miscellaneous Provisions) Act 1976 in order to promote public safety due to the conduct of the Licence Holder as set out in the Licensing and Enforcement Officer's report and as set out above.

Considerations:

In reaching its decision, the Sub Committee had taken into consideration the following factors:-

- i. The report and evidence of the Licensing and Enforcement Officer, including the CCTV footage;
- ii. The provisions of the Local Government (Miscellaneous Provisions) Act 1976;
- iii. The Human Rights Act 1998 and of The First Protocol, Article 1; and,
- iv. The Council's Policy and Guidelines.

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The decision letter would be posted to the Licence Holder within 5 days. There was a right of appeal against the Sub Committee's decision to the Magistrates Court, exercisable within 21 days of receipt of the notification.

The meeting concluded at 10:27 hours.