

## **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, 16<sup>th</sup> January 2025 at 10:00 hours.

### **PRESENT:-**

Members:-

Councillors Anne Clarke, Will Fletcher and Emma Stevenson.

Officers:- Louise Arnold (Legal Team Manager (Deputy Monitoring Officer)), Charmaine Terry (Environmental Health Team Manager (Licensing)) Sharon Smith (Licensing and Enforcement Officer) and Matthew Kerry (Governance and Civic Officer).

Also in attendance, observing, was Councillor David Bennett.

### **GLSC7-24/25 ELECTION OF CHAIR FOR THE MEETING**

Moved by Councillor Anne Clarke and seconded by Councillor Will Fletcher  
**RESOLVED** that Councillor Emma Stevenson be elected as Chair for the meeting.

Councillor Emma Stevenson in the Chair

### **GLSC8-24/25 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **GLSC9-24/25 DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **GLSC10-24/25 MINUTES**

Moved by Councillor Emma Stevenson and seconded by Councillor Anne Clarke  
**RESOLVED** that the minutes of the meeting of the General Licensing Sub Committee held on 5<sup>th</sup> December 2024 be approved as a true and correct record.

### **GLSC11-24/25 EXCLUSION OF THE PUBLIC**

Moved by Councillor Will Fletcher and seconded by Councillor Anne Clarke  
**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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### **GLSC12-24/25 TO CONSIDER WHETHER A LICENCE HOLDER 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 in attendance, who confirmed receipt of the paperwork.

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

The Licence Holder had held a combined Hackney Carriage / Private Hire Vehicle Driver's Licence with the Council since 11<sup>th</sup> October 2024. A copy of the licence was attached at Appendix 1.

On 16<sup>th</sup> December 2024, the Licensing Team were informed by the Licence Holder's Private Hire Operator (the 'Operator') that they had received a complaint alleging the Licence Holder had carried out an inappropriate conversation, of a sexual nature, with a lone passenger.

The original complaint was made to the Operator via a telephone call from an individual who identified themselves as the partner of the passenger. A copy of the complaint was attached at Appendix 2. An audio recording of the complaint was sent to the Licensing Team. The Sub Committee listened to this audio recording.

On 16<sup>th</sup> December 2024, the Operator provided a copy of the CCTV footage from the vehicle. The Environmental Health Team Manager noted the full CCTV footage should be viewed by the Sub Committee to provide context (only footage of the event was initially provided).

The Sub Committee was adjourned at 10:15 hours while this footage was located.

The Sub Committee readjourned at 10:19 hours and the full CCTV footage was viewed.

On 17<sup>th</sup> December 2024, the Licence Holder was interviewed by the Council's Licensing and Enforcement Officers. The Licence Holder had been given the opportunity to explain their actions. The Licence Holder stated they had not flirted but had asked a question. They had also apologised and stated there had been no ulterior motive. A copy of this meeting's notes was attached at Appendix 3.

On 18<sup>th</sup> December 2024, the Licensing Team made contact with the passenger for their account of the incident. The passenger explained that they were having what they considered to be a normal conversation, but the Licence Holder had suddenly changed the subject and asked what the best way was to compliment a woman. The conversation then took another turn when the Licence Holder had started talking inappropriately about sexual references which were considered normal where they were from.

While still on the journey, the passenger had quickly messaged their partner to tell them what was happening. The partner had then called to provide the pretence that they were waiting at home for the passenger – the passenger was travelling home alone, and they did not want the Licence Holder to be aware of this.

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The passenger explained that as they were alone, they had felt 'really uncomfortable' and 'very worried about what might happen', because if the Licence Holder had decided to try and do anything, the passenger would not have been able to get the Licence Holder off them.

The passenger confirmed she had notified the police and had a Crime Reference number. The passenger was currently awaiting a visit from the police.

On 19<sup>th</sup> December 2024, the Licensing Team had contacted the Derbyshire Constabulary to obtain an update in relation to the submitted police incident report. At the time of the writing of the report, the police had been unable to confirm any details of the incident.

A Freedom of Information request had been submitted to the police for any records held; no records were held on the Licence Holder by the police.

With no questions for the Licensing and Enforcement Officer from the Sub Committee, the Legal Team Manager and the Licence Holder, the Chair invited the Licence to address the Sub Committee.

The Licence Holder stated from the CCTV footage, there was nothing negative from the conversation and had only been attempting to explain their experience from their home country.

The discussion on Leeds' nightlife was present as this had been where the Licence Holder wanted to live. However, due to circumstance they were currently residing in Mansfield.

The Licence Holder stated not once, during the conversation, did they look back at the passenger or slow the vehicle down.

The Licence Holder acknowledged the topic of conversation was not appropriate, but nor had it been intentional.

The Licensing Officer asked if the Licence Holder had been contacted or interviewed by the police. The Licence Holder informed no, they had not been contacted.

The Environmental Health Team Manager asked if the Licence Holder believed the topic of conversation, being of a sexual nature, had been appropriate. The Licence Holder answered no, it was not. They had not been initiating any proposition of such a nature and from the initial outset, it had been a conversation only.

The Licence Holder continued that it was like this in their home country, and they had not intended to hold this conversation in advance. They also stated since the event, passengers would be taken from 'A-B' and conduct would be friendly only.

The Environmental Health Team Manager asked if the Licence Holder had learned anything. The Licence Holder answered they would keep their manner professional and that if passengers did not wish to speak, they would only treat such journeys as 'A-B' now.

A Member noted their only questions of the Licence Holder had already been asked by the Environmental Health Team Manager.

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The Chair invited those in attendance to provide their closing statements.

The Licencing and Enforcement Officer referred the Sub Committee to sections 1.1 to 1.3 of Appendix B of the Policy, which outlined the general principles for assessing if a licence holder could be considered 'Fit and Proper'. These were detailed in the report.

The Licence Holder stated they had not intentionally set out to discuss such a topic. Future journeys would only be treated as 'A-B'.

The Sub Committee was adjourned at 10:50 hours, and the Licence Holder, Environmental Health Team Manager and Licensing and Enforcement Officer left the room for Members to deliberate.

The Sub Committee reconvened at 11:43 hours, and the Licence Holder, Environmental Health Team Manager and 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 made findings of fact and gave the following reasons as follows:

1. In relation to the complaint received in December 2024, the Panel listened to the complaint made to the Licence Holder's Operator and viewed the CCTV footage of the entire journey taken from inside the Licence Holder's taxi.
2. The CCTV footage showed the Licence Holder conversing with a lone passenger. For the first (approximate) 6 minutes of the journey, the conversation was 'small talk' about Leeds and other areas in the UK, as well as holiday destinations and pricing. At just after 6 minutes of the journey, after a pause in the conversation, the Licence Holder asked, "what's the nicest compliment to give to a lady?" – this part of the conversation went on for around 3.5 minutes and included discussions about online dating.
3. At approximately 9 minutes and 25 seconds into the journey, the Licence Holder said, "I was asking one lady what does stop mean". The Licence Holder then continued talking about performing oral sex on a female, and stated, "where I am from stop doesn't mean stop [laughs] stop means continue... if she says stop and she's still there it's more like she's telling you, you be the one to initiate this not me, that's the information she's trying to pass to you". The conversation continued with the Licence Holder talking about initiating sex. Shortly after this, the passenger interrupted and said they needed to take a phone call – they continued talking on the phone for the remainder of the journey.

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4. The Panel noted that the telephone call taken by the passenger had been arranged via text with their partner as they;
  - i. Felt uncomfortable with the conversation;
  - ii. Did not want the Licence Holder to believe they was arriving to an empty home / alone; and,
  - iii. They were fearful the Licence Holder would try something and the passenger was alone and would not able to do anything.

It was noted the passenger had reported the matter to the Police after the journey had ended.

5. The Panel listened to the Licence Holder's explanation that nothing was meant by the conversation – they believed it to be a normal topic of conversation. The Licence Holder stated that they were not trying to initiate anything with the passenger, but on reflection appreciated that in the UK it may not have been a conversation that should have happened.
6. The Panel were concerned with the conversation and language from the Licence Holder. The Panel accepted that the passenger felt fearful and worried about appearing alone and what could happen.
7. The Panel discussed at length the above concern, and the Licence Holder's response to a question that in future they would 'keep conversations professional'.
8. The Panel noted that the Licence Holder had been a licensed driver for a very short time and so had only recently completed all the requisite courses a driver needed, including safeguarding. The Panel considered whether re-doing any courses would improve the Licence Holder's understanding of the appropriateness of their language / conversation, but they did not feel such courses would address their concerns.
9. The safety of the public was of paramount consideration. The Panel asked themselves whether they 'would allow their daughter or son, granddaughter or grandson, spouse, mother or father, or any other person for whom they cared for or any vulnerable person they knew, to get into a vehicle with the Licence Holder alone' – the Panel's answer was 'no'.
10. The Panel's view was that no passenger should be made to feel fearful or worried for their safety when travelling in the back of a taxi. The Licence Holder's language and topic of conversation was inappropriate and had caused a passenger concern for their safety.
11. 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.

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Considerations:

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

- i. The report and evidence of the Licensing and Enforcement Officer, including the audio recording of the complaint and the CCTV footage from the vehicle;
- ii. The character references provided in support of the Licence Holder;
- iii. The provisions of the Local Government (Miscellaneous Provisions) Act 1976;
- iv. The Human Rights Act 1998 and of The First Protocol, Article 1;
- v. The Council's Policy and Guidelines.

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 Sub Committee was adjourned at 11:45 hours for the Licence Holder for Item 6 to leave and the Licence Holder for Item 7 to attend the hearing.

The Sub Committee was reconvened at 11:54 hours.

### **GLSC13-24/25 TO CONSIDER WHETHER A LICENCE HOLDER 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 in attendance, who confirmed receipt of the paperwork.

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

The Licence Holder had held a combined Hackney Carriage / Private Hire Vehicle Driver's Licence with the Council since 23<sup>rd</sup> September 2021. Their most recent licence expired on 22<sup>nd</sup> September 2027. A copy of the licence was attached at Appendix 1.

On 23<sup>rd</sup> August 2024, the Licence Holder had emailed the Licensing Team to advise they had received a fixed penalty of £100 and 3 points on their DVLA driving licence. A copy of this email was attached at Appendix 2.

The Licence Holder's email notification was dated 23<sup>rd</sup> August 2024, and had been received 27 days after the offence date of 27<sup>th</sup> July 2024. The Licence Holder stated they were aware of their responsibility to notify the Council, and that they had attempted to call

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in to provide notification of the offence. At the time, they had also been going through some personal issues. As a result, there had been a delay in their informing the Council of the offence.

Following receipt of the notification, a DVLA check was requested and on 5<sup>th</sup> November 2024, the DVLA check revealed the following offences:

<b>Points:</b>	<b>DVLA Code:</b>	<b>Offence Description:</b>	<b>Date of Offence:</b>	<b>Expiry Date:</b>
3	SP30	Exceeding statutory speed limit on a public road	07/05/2022	07/05/2025
3	SP30	Exceeding statutory speed limit on a public road	18/08/2022	18/08/2025
3	SP30	Exceeding statutory speed limit on a public road	27/07/2024	27/07/2027

The full DVLA check was attached at Appendix 3.

The accrual of the latest 3 points took the Licence Holder to a total of 9 points on their DVLA driving licence.

A check of the Licence Holder's history had been completed and revealed they had previously been issued with a warning letter for failure to disclose two previous offences. The offences were revealed on 25<sup>th</sup> January 2023 during a routine interim check of the Licence Holder's DVLA driving licence.

The warning letter reminded the Licence Holder of their responsibility to notify the Council of any conviction for an offence or of any receipt of a fixed penalty within 7 days. A copy of the letter was attached at Appendix 4.

The Licensing and Enforcement Officer referred the Sub Committee to sections 1.1 to 1.3 of Appendix B of the Policy, which outlined the general principles for assessing if a licence holder could be considered 'Fit and Proper'. These were detailed in the report.

With no questions of the Licensing and Enforcement Officer, the Licence Holder was invited to address the Sub Committee.

The Licence Holder explained during the 2022 offences, their granddaughter had been diagnosed with Leukaemia and had begun treatment. They had thrown themselves into their work to distract but also, as the primary breadwinner, was undertaking 12-14 hour shifts to afford extra outlays including travel to Pontefract Hospital during their granddaughters' treatment.

There had been no intention of being dishonest and not informing the Council of offences. They could only apologise for not notifying the Council.

A Member asked if the offences had taken place during work. The Licence Holder confirmed they had taken place during work hours. The first two offences had both been 1-2mph over the speed limit, and the third offence had taken place on an unfamiliar route,

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on a corner, with the speed limit changing from 50-30mph.

The Chair asked if the Licence Holder had been on a speed awareness course. The Licence Holder answered no, they had not.

The Licence Holder informed the Sub Committee that their granddaughter had 'rung the bell' in October 2024, was clear of Leukaemia and had started the 5-year antibiotic programme to help rebuild her immune system.

To a question on the 2024 offence, the Licence Holder informed they had emailed the Council for this event and reiterated they had been on an unfamiliar route with the speed limit changing from 50-30mph.

The Chair invited those in attendance to provide their closing statements.

The Licensing and Enforcement Officer noted the Licence Holder had been brought before the Sub Committee due to the now 9 points accumulated on their DVLA driving licence.

The Licence Holder stated this had been the first time attending a Sub Committee, they had explained life events had taken place, but that they should have notified the Council of all offences.

The Sub Committee was adjourned at 12:04 hours. The Licence Holder, Environmental Health Team Manager and Licensing and Enforcement Officer left the room for Members to deliberate.

The Sub Committee reconvened at 12:31 hours. The Licence Holder, Environmental Health Team Manager and 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 allow the combined Hackney Carriage and Private Hire Driver's Licence to continue with a strict warning as to future conduct.

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

1. The Licence Holder had held a combined licence with the Council since September 2021.
2. Historically, the Licence Holder had received a written warning in January 2023 after they had failed to disclose two endorsements on their DVLA licence, i.e.:
  - i. SP30 in May 2022 (3 points); and,
  - ii. SP30 in August 2022 (3 points).

That warning letter reminded the Licence Holder of the obligations of their licence, requiring that they notify the Council within 7 days of any conviction



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of any offence or on receipt of a Fixed Penalty. The warning letter went on to state that further offences/breaches could result in suspension, revocation or referral to the Sub Committee.

3. On 23<sup>rd</sup> August 2024, the Licence Holder had emailed the Licensing Section to advise that they had received a Fixed Penalty of £100 and 3 points endorsed on their DVLA driving licence. The Fixed Penalty was for an offence on 27<sup>th</sup> July 2024.
4. The notification of this July 2024 Fixed Penalty was again outside of the obligation to notify within 7 days of receipt.
5. Furthermore, the July 2024 endorsement now meant that the Licence Holder had 9 points on their DVLA driving licence.
6. When questioned, the Panel were concerned with the Licence Holder's response that all 9 points had been awarded on journeys carrying passengers, i.e., in the course of business.
7. The Panel accepted the Licence Holder's explanation for why they had failed to report the endorsements in 2022.
8. The Panel felt that the Licence Holder accepted the seriousness of the failure to notify, and the amount of points now / currently on their DVLA licence.
9. The Panel gave a strict final warning to the Licence Holder – this warning was to remain on their driver record indefinitely. It was made clear to the Licence Holder that;
  - All notifications to the Council (in compliance with the requirements of the Combined Licence and the Council's Policies) must be made in writing within the requisite 7 days of receipt – failure to do so would result in a further Sub Committee to consider the Licence Holder's licence; and,
  - Any further DVLA endorsements on the Licence Holder's licence would be placed before a Sub Committee for consideration and may result in the licence being revoked.

### Considerations:

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

- i. The report and evidence of the Licensing Officer and the verbal representations provided by the Licence Holder;
- 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,

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### iv. The Council's Policy and Guidelines.

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 12:32 hours.