

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

### **PRESENT:-**

Members:-

Councillors David Bennett, Jeanne Raspin and Emma Stevenson.

Officers:- Jim Fieldsend (Director of Governance and Legal Services & Monitoring Officer), Charmaine Terry (Environmental Health Team Manager (Licensing)), Shaun Stanton (Solicitor – Litigation), Samantha Crossland (Licensing and Enforcement Officer), Lindsey Delamore (Licensing and Enforcement Officer) and Matthew Kerry (Governance and Civic Officer).

Also in attendance at the meeting, observing, were Councillors Amanda Davis and Rob Hiney Saunders (Portfolio Holder for Environment and Licensing).

### **GLSC14-24/25 ELECTION OF CHAIR FOR THE MEETING**

Moved by Councillor David Bennett and seconded by Councillor Jeanne Raspin  
**RESOLVED** that Councillor Emma Stevenson be elected as Chair for the meeting.

Councillor Emma Stevenson in the Chair

### **GLSC15-24/25 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **GLSC16--24/25 DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **GLSC17-24/25 MINUTES**

Moved by Councillor David Bennett and seconded by Councillor Emma Stevenson  
**RESOLVED** that the minutes of the meeting of the General Licensing Sub Committee held on 16<sup>th</sup> January 2025 be approved as a true and correct record.

## GENERAL LICENSING SUB COMMITTEE

### GLSC18-24/25 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.

### GLSC19-24/25 TO CONSIDER WHETHER AN APPLICANT REMAINS 'FIT AND PROPER' TO HOLD A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER'S LICENCE

#### EXEMPT PARAGRAPH 1

The Chair opened the meeting and welcomed those in attendance.

The Licence Holder confirmed receipt of the paperwork.

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

A character reference, sent the day before the Sub Committee, was provided as a handout to Members

The Sub Committee procedure was followed.

The Sub Committee was adjourned at 10:34 hours, and Councillors Amanda Davis and Rob Hiney-Saunders, the Licence Holder, Environmental Health Team Manager and Licensing and Enforcement Officer left the room for Members to deliberate.

The Sub Committee reconvened at 11:26 hours, and Councillors Amanda Davis and Rob Hiney-Saunders, 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 September 2024, the Panel listened to the complaint made by the Operator. The complaint was that the Licence Holder accepted a booking to take a customer to the airport and pick them up two weeks later on their return. The Licence Holder undertook an outward-bound journey and on completing this journey they collected both outward and return fares (£100 in total- £50 each way). Shortly after this, the Licence Holder ceased taking bookings from the Operator and did not

## GENERAL LICENSING SUB COMMITTEE

carry out the return booking. The Operator had to reimburse the driver who carried out the return booking and has been unable to recover the costs back from the Licence Holder;

2. The Panel also noted a screenshot of a message for the customer dated 18<sup>th</sup> September 2024, stating “we gave the driver that took us to the airport an envelope with £100 in with all the details for our return taxi”;
3. The Panel listened to the Licence Holder who said that they only accepted a £50 from the customer for the outward-bound journey;
4. The Panel considered the evidence within the report and the Licence Holder’s statement and were satisfied that the incident alleged by the Operator did take place, i.e. the Licence Holder did take the full fare for both the outward and return journey. This raised serious concerns about the Licence Holder’s honesty as a licensed driver;
5. The Panel also discussed at length the Licence Holder’s driver history that was set out in the Licensing Committee report. The Panel were concerned about the number of advisory communications and written warnings that had been given to the Licence Holder;
6. The safety of the public is of paramount consideration. The Panel asked themselves whether they would allow a person for whom they cared regardless of their condition to travel alone in a vehicle driven by the Licence Holder. Due to the concern about the Licence Holder’s dishonesty and the list of complaints set out in the Driver History of the Licensing report, the Panel’s answer was ‘no’; and,
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 officers report and as set out above.

### Considerations:

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

- i. The report and evidence of the Licensing Officer;
- 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; and,
- v. The Council’s Policy and Guidelines.

## **GENERAL LICENSING SUB COMMITTEE**

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 11:27 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 11:29 hours.

### **GLSC20-24/25 TO CONSIDER WHETHER AN APPLICANT REMAINS 'FIT AND PROPER' TO HOLD A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER'S LICENCE**

#### **EXEMPT PARAGRAPH 1**

The Chair opened the meeting and welcomed those in attendance.

The Licence Holder confirmed receipt of the paperwork.

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

The Sub Committee procedure was followed.

The Sub Committee was adjourned at 11:44 hours, and Councillors Amanda Davis and Rob Hiney-Saunders, the Licence Holder, Environmental Health Team Manager and Licensing and Enforcement Officer left the room for Members to deliberate.

The Sub Committee reconvened at 12:06 hours, and Councillors Amanda Davis and Rob Hiney-Saunders, 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 approve the renewal of a combined Hackney Carriage and Private Hire Driver's Licence with a strict warning as to future conduct.

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

1. The License Holder applied to renew their combined licence on 19<sup>th</sup> February 2025. Their licence expired on 20<sup>th</sup> February;
2. In their application the Licence Holder declared three endorsements on their DVLA licence, i.e.:
  - i. SP30 in March 2023 (3 points);
  - ii. SP30 in September 2023 and;
  - iii. SP30 in December 2022 (3 points).

## **GENERAL LICENSING SUB COMMITTEE**

The Council was not aware the endorsements from September and December 2023;

3. The Panel were concerned that the Licence Holder's had 9 points on his licence;
4. The Panel accepted the Licence Holder's explanation for why they had failed to report the endorsements in September and December 2023;
5. The Panel felt that the Licence Holder accepted the seriousness of the failure to notify and the number of points now / currently on their DVLA licence; and,
6. The Panel gave a strict final warning to the Licence Holder – this warning is to remain on their driver record indefinitely. It was made clear to the Licence Holder that any further DVLA endorsements on the Licence Holder's licence or any breach of their licence conditions is likely to result in being 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,
- 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 12:07 hours.