

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, 26th June 2025 at 14:00 hours.

PRESENT:-

Members:-

Councillors Mary Dooley, Will Fletcher and Rita Turner.

Officers:- Louise Arnold (Legal Team Manager (Deputy Monitoring Officer)), Sharon Smith (Licensing and Enforcement Officer), Naadhya Khan (Solicitor – Litigation), Shaun Stanton (Solicitor – Litigation) and Matthew Kerry (Governance and Civic Officer).

Also in attendance at the meeting, observing, were Councillors Duncan McGregor and Jeanne Raspin (Junior Portfolio Holder for the Environment and Panel Substitute).

GLSC1-25/26 ELECTION OF CHAIR FOR THE MEETING

Moved by Councillor Rita Turner and seconded by Councillor Will Fletcher
RESOLVED that Councillor Mary Dooley be elected as Chair for the meeting.

Councillor Mary Dooley in the Chair

GLSC2-25/26 APOLOGIES FOR ABSENCE

There were no apologies for absence.

GLSC3-25/26 DECLARATIONS OF INTEREST

There were no declarations of interest made.

GLSC4-25/26 MINUTES

Moved by Councillor Will Fletcher and seconded by Councillor Rita Turner
RESOLVED that the minutes of the meeting of the General Licensing Sub Committee held on 10th April 2025 be approved as a true and correct record.

GLSC5-25/26 EXCLUSION OF THE PUBLIC

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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GLSC6-25/26 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 confirmed receipt of the paperwork via email (as requested).

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

The Sub Committee procedure was followed.

The Sub Committee was adjourned at 14:41 hours, and the Licence Holder, Licence Holder's companion, Cllr. Jeanne Raspin and Licensing and Enforcement Officer left the room for Members to deliberate.

The Sub Committee reconvened at 15:00 hours, and the Licence Holder, Licence Holder's companion 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 General Licensing Sub Committee was: to **REVOKE** the combined Hackney Carriage and Private Hire Driver's Licence.

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

1. The License Holder had been a licensed driver since September 2024, in that time they had:-
 - Received 9 penalty points on their DVLA licence for three speeding offences, one in September, and two in October 2024;
 - Completed a driver awareness course in relation to another incident of speeding in November 2024;
 - And was waiting to hear from the Court in respect of a further incident of speeding in April 2025.

The most recent, outstanding speeding offence placed the Licence Holder at risk of losing their DVLA licence.

2. The Panel noted the Licence Holder's verbal comments to the Sub Committee as well as their written submissions in respect of these speeding offences; that in 35 years of driving they had not received any penalty points until they had become a licensed taxi driver, they were new to the geographical area so was unaware of the speed limit, they were driving at night and / or in poor weather and that they were under pressure at home. The Licence Holder had further informed the Panel that they always drove under the speed limit. The Licence Holder told the Panel that they '[were] not wilfully or morally culpable for speeding' but that they had 'misjudged' the speed limit.

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3. The Panel had significant concerns with the number of endorsements over such a short space of time, all during the course of the Licence Holder's work carrying passengers. The safety of the public was paramount and speeding placed people at risk of injury or worse. It was a driver's responsibility to know the speed limit of the road on which they were driving – the Licence Holder had fallen short of what was expected of a standard driver, let alone the expected standard of a licensed taxi driver responsible for carrying and safeguarding the public.
4. The Licence Holder had failed to comply with the requirements of their Combined Licence Paragraphs 11.1 and 14.1 in respect of checking that (amongst other things) the CCTV was in working order and operational, this also fell afoul of the Council's Taxi Policies.
5. The Licence Holder told the Panel that they were not good with technology, and further informed the Panel that they were handed a number of documents when they had become licensed – they had not looked at them but had put them into a drawer.
6. It was a licensed driver's responsibility to ensure they understood the obligations of their licence and comply with the Policies which were in place to protect and safeguard the public. The Licence Holder had fallen short of this responsibility.
7. In relation to the complaint made against the Licence Holder in respect of the conversation they had allegedly had with two 12 year old passengers, the Panel accepted that there was no compelling evidence to suggest the Licence Holder knew that the children were known to social care or had any additional needs.
8. The Panel did feel that the topics of conversation were inappropriate. On their own submission, the Licence Holder (in their 'statement of conversation' submitted to the Sub Committee) stated on reflection that "I think it may have felt a bit intensive, too didactic or too much to process, a bit too heavily informational and 'educational', and perhaps even simply too much of 'talking' as such. I can understand that."
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 – the Panel's answer was a unanimous 'no'.
10. The Panel's view was that the speeding endorsements were a significant cause for concern. The number of speeding offences accumulated during the short time the Licence Holder had been a licensed driver caused enough concern alone to conclude that the Licence Holder was not 'fit and proper' or 'safe and suitable' to hold a Licence. The CCTV not being used and the complaint were further aggravating factors in the Panel's decision making, the Panel collectively agreed that the Licence Holder's Combined Licence should be revoked.

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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 Officer, including the audio recordings of the complaint;
- ii. The written and verbal submissions from 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.

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 15:05 hours.