

Bolsover District Council

General Licensing Sub Committee

17th March 2021

To consider an exception to Bolsover District Council's Taxi Licensing Policy for a Private Hire Vehicle Licence application

Report of the Licensing Team Leader

This report is public

Purpose of the Report

- To consider an exception to the Hackney Carriage and Private Hire Vehicle Policy for a Private Hire Vehicle Licence submitted by Nicola Aldersley of Chesterfield Taxi Supplies, 52 Gomersal Lane, Dronfield, S18 1RU.
- The vehicle is a non-structural damage write off. Therefore, the application has been referred to the Licensing Committee to consider if the vehicle is safe and fit for purpose and a departure from the current Taxi Licensing Policy is appropriate.

1 Report Details

- 1.1 Vehicle registration No. EX60 ZGM is a Silver Mondeo, first registered 05.10.2010
- 1.2 The vehicle has previously been licensed with Bolsover District Council and is known to the Licensing Authority as **Private Hire 707**. The plate expiry date of the previous licence was 27 February 2021.
- 1.3 This vehicle was damaged in an accident and the licence was suspended on 19 January 2021.
- 1.4 The vehicle was classed as a Category N write off, which means that there was damage to the vehicle bodywork but that it did not have any damage to the structure or chassis of the vehicle also known as a non-structural damage write off. Mrs Aldersley advises that the insurance company paid out as a financial decision as opposed to a safety issue.
- 1.5 The vehicle has been subsequently repaired and was presented for testing at Doe Lea Depot On 17 February 2021 where it has passed the council test as well as the MOT test and it was deemed fit for use on the road. Licence plates were issued and attached by the depot onto the vehicle upon passing the vehicle fitness test. These licence plates have subsequently been suspended.
- 1.6 As a result of the suspension, this renewal application for a six month vehicle licence has now been accompanied by a request for an exception to the policy requirements.

- 1.7 Appendix A of the Vehicle Specifications within the Taxi Licensing Policy states that a vehicle shall: ***Not have been written off for insurance purposes at any time.***
- 1.8 A category N vehicle write-off, or non-structural write off, is where a vehicle which has damage to its bodywork or internal damage to carpet and furnishing, thus it is not considered financially viable to repair by the insurers. This is typically based upon the retail cost of repairing the vehicle which includes labour costs. Many vehicles return to the road having been purchased from the insurance companies where bodywork repairs are carried out by the purchaser.
- 1.9 A copy of the Insurance Write Off status description from Gov.uk is appended to this report as Appendix 1.
<https://www.gov.uk/scrapped-and-written-off-vehicles/insurance-writeoffs>
- 1.10 The current Taxi Licensing Policy 2018 at 4.17 states that:
Applications in respect of any vehicle which doesn't meet the specifications required in this Policy will be referred to the Licensing Committee for consideration.

2 Conclusions and Reasons for Recommendation

2.1 The Licensing Sub-Committee may –

- Agree to an exception to the policy requirements and approve the application
- Refuse the application

3 Consultation and Equality Impact

3.1 None

4 Alternative Options and Reasons for Rejection

4.1 None

5 Implications

5.1 Finance and Risk Implications

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.

5.2 Legal Implications including Data Protection

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

5.3 Human Resources Implications

None

6 Recommendations

- 6.1 That the Licensing Sub-Committee considers the options listed in Paragraph 2.1 of this report.

7 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: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes/No
District Wards Affected	None
Links to Corporate Plan priorities or Policy Framework	All

8 Document Information

Appendix No	Title
1	Write Offs Government Guidance
Background Papers (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)	

No background papers	
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