

GENERAL LICENSING SUB COMMITTEE

Minutes of a meeting of the General Licensing Sub Committee of the Bolsover District Council held as a virtual meeting on Wednesday 17th March 2021 at 11:30 hours.

PRESENT:-

Members:-

Councillor Ray Heffer in the Chair

Councillors Andrew Joesbury (Vice-Chair), Rose Bowler, Jane Bryson, Tracey Cannon, Maxine Dixon, Mary Dooley, David Downes, Sandra Peake and Rita Turner.

Officers:- Kevin Shillitto (Solicitor), Michelle James (Interim Licensing Manager), Sharon Smith (Licensing & Enforcement Officer), Charmaine Terry (Licensing & Enforcement Officer), Hannah Cash (Legal Executive), Amy Bryan (Senior Governance Officer) and Tom Scott (Governance Officer).

Also in attendance at the meeting for Minute No. GLSC711-20/21 was Nicola Aldersley of Chesterfield Taxi Supplies.

GLSC708-20/21 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Steve Fritchley and Peter Roberts.

GLSC709-20/21 URGENT ITEMS OF BUSINESS

There was no urgent business to be considered at the meeting.

GLSC710-20/21 DECLARATIONS OF INTEREST

There were no declarations made at the meeting.

GLSC711-20/21 TO CONSIDER AN EXCEPTION TO BOLSOVER DISTRICT COUNCIL'S TAXI LICENSING POLICY FOR A PRIVATE HIRE VEHICLE LICENCE APPLICATION

The Licensing & Enforcement Officer presented a report to Members 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. The application was regarding a vehicle that was damaged in an accident and the licence was suspended on 19th January 2021.

The report explained that the vehicle in question was a non-structural damage write off, so the application had been referred to Members to consider if the vehicle was safe and fit for purpose and a departure from the current Taxi Licensing Policy was appropriate.

Councillor David Downes wished to clarify exactly what had happened with the vehicle and its fitness for the road. The Licensing & Enforcement Officer explained the vehicle had been repaired and was presented for testing at Doe Lea Depot on 17th February

GENERAL LICENSING SUB COMMITTEE

2021, where it passed the Council test as well as the MOT test and it was deemed fit for use on the road. However, due to the Council's licensing policy about how to deal with write-off status, the vehicle's licence was suspended.

The Solicitor explained that the policy was designed in this fashion to automatically suspend write-offs of all categories because the category this vehicle fell into also included electrics and brakes. This meant that all vehicle write-offs would need to be considered by Licensing Members.

Councillor Sandra Peake felt that the Council's policy on write-offs needed to be reassessed, because it was contrary to the Government's guidelines on roadworthy vehicles and write-offs and led to situations like this.

Councillor Andrew Joesbury felt it was important that all write-offs had to be considered by a Licensing Committee to ensure that no vehicles slipped through the net.

The Chair (after legal advice) invited the applicant Nicola Aldersley to explain the repair work undertaken by the taxi company. She explained that the damage had all been repaired before presenting the vehicle to Doe Lea Depot for the Council and MOT tests.

The Solicitor advised that because sensitive information about the vehicle not included in the public report would be discussed when Members deliberated their decision, Members should move the meeting into a private non-public session to deliberate. The Chair agreed to deliberate the decision in a private non-public session.

The applicant, the Interim Licensing Manager and the Licensing & Enforcement Officers left the meeting whilst the Committee deliberated and then returned for the announcement of the decision.

Moved by Councillor Andrew Joesbury and seconded by Councillor David Downes.

RESOLVED that the Sub Committee –

- (1) Agrees to an exception to the policy requirements and approves the application.

(Interim Licensing Manager/Licensing & Enforcement Officer)

GLSC712-20/21 EXCLUSION OF THE PUBLIC

Moved by Councillor Ray Heffer and seconded by Councillor Andrew Joesbury.

RESOLVED that the public be excluded from the meeting during the discussion of the following item of business to avoid the disclosure to them of exempt information as defined in Paragraph 1, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006).

GLSC713-20/21 TO CONSIDER WHETHER TO GRANT AN EXEMPTION FROM PARTS OF THE HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER'S LICENCE APPLICATION PROCESS OUTLINED IN POLICY, AND TO CONSIDER WHETHER AN APPLICANT IS FIT AND PROPER TO HOLD A HACKNEY CARRIAGE/PRIVATE HIRE

GENERAL LICENSING SUB COMMITTEE

VEHICLE DRIVER'S LICENCE WITH BOLSOVER DISTRICT COUNCIL

The applicant attended the meeting for Committee to decide if he was a fit and proper person to hold a Hackney Carriage and Private Hire Vehicle Driver's Licence, and also decide whether to grant an exemption from parts of the Hackney Carriage/Private Hire Driver's Licence Application Process outlined in Policy.

The Interim Licensing Manager and Licensing & Enforcement Officer presented the report.

The Hearing Procedure was followed.

The applicant, the Interim Licensing Manager and the Licensing & Enforcement Officers left the meeting whilst the Committee deliberated and returned for the announcement of the decision.

Moved by Councillor Ray Heffer and seconded by Councillor Mary Dooley.

RESOLVED that the applicant –

- (1) Was a fit and proper person to hold a Hackney Carriage/Private Hire Vehicle Driver's Licence.
- (2) Was granted an exemption from parts of the Hackney Carriage/Private Hire Driver's Licence Application Process outlined in Policy.
- (3) Has any fees paid to make this application waived by the Council.

(Interim Licensing Manager/Licensing & Enforcement Officer)

The meeting concluded at 13:10 hours.