

Bolsover District Council

Meeting of the General Licensing Sub-Committee

3rd March 2022

Report of the Environmental Health Team Manager (Licensing)

Classification	This report is Public
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PURPOSE/SUMMARY OF REPORT

- To consider a request for an exemption to the Hackney Carriage and Private Hire Vehicle Policy.

REPORT DETAILS

1. Background

- 1.1 Bolsover District Council is responsible for the licensing and regulation of Hackney Carriage and Private Hire Vehicles, Drivers and Operators under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. As part of those responsibilities the General Licensing Sub-Committee is required to consider applications and/or requests where an application or licence holder fails to meet the required standards set in the Council's Taxi Licensing Policy.
- 1.2 In September 2018 the Council adopted a new Taxi Licensing Policy for Hackney Carriage and Private Hire Vehicles ('the Policy'). The Policy sets out the minimum comfort and safety standards that vehicles are expected to meet to be licensed with the authority. Appendix A to this Policy sets out a detailed specification.
- 1.3 Paragraph 12 of Appendix A to the Policy sets out the following specification in relation to livery:

Livery – Hackney Carriages

Hackney carriages can be painted any single colour (other than black or white) with a white bonnet and boot/tailgate.

An exception will be made for substitute hackney carriages following damage or an accident (for a maximum period of 1 month) if the substitute vehicle is licensed appropriately.

2. Details of Proposal or Information

- 2.1 Vehicle plate number H107 with a vehicle registration number of R333 JHB (previously registered as FL13 HWV) has been licensed with Bolsover District Council since 5th February 2021 and the current licence is due to expire on 05th August 2022.
- 2.2 Following the initial issue of the licence, it came to the attention of the Licensing Section that the vehicle was black with a white bonnet and boot and therefore, did not comply with Paragraph 12 of Appendix A to the Policy, as set out in paragraph 1.3 to the report.
- 2.3 Council records show that the vehicle has been black with a white bonnet and boot since it was initially licensed on 05th February 2021 and has not changed in colour since that date.
- 2.4 On 28th October 2021 the vehicle licence holder was contacted and informed that the colour of the vehicle did not meet the specification set in the Policy. The licence holder was advised that the colour of the vehicle needed to be changed to adhere to the Policy; or alternatively they could request that the vehicle be exempt from the specification set out in the Policy.
- 2.5 Subsequently on 4th November 2021, a letter was sent to the licence holder to formally request that they change the colour of the vehicle or request an exemption. A copy of the letter is attached as Appendix 1.
- 2.6 On 8th November 2021 the licence holder submitted a request that the vehicle be exempt from the requirements set out in Paragraph 12 to Appendix A of the Policy. A copy of this request is attached as Appendix 2.

3. Reasons for Recommendation

- 3.1 None

4 Alternative Options and Reasons for Rejection

- 4.1 None

RECOMMENDATION(S)

1. That the General Licensing Sub-Committee considers the request for an exemption.

2. That the General Licensing sub-committee:

- Grants the exemption;
- Grants the exemption for a limited period; or
- Refuses the exemption and requires the licence holder to change the colour of the vehicle within a specified time frame.

Approved by the Portfolio holder - N/A

IMPLICATIONS:

Finance and Risk: Yes No

Details:

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.

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

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

On behalf of the Solicitor to the Council

Staffing: Yes No

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

<p>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:</p> <p>BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/></p> <p>NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> Please indicate which threshold applies</p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No

District Wards Significantly Affected	None
<p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	No Details:

<p>Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.</p>
All

DOCUMENT INFORMATION	
Appendix No	Title
1	Letter of Non-compliance to Licence Holder
2	Request for Exemption

<p>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)</p>
<p>Application form and supporting documentation</p>