

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, 16th January 2025 at 10:00 hours.

PRESENT:-

Members:-

Councillors Anne Clarke, Will Fletcher and Emma Stevenson.

Officers:- Louise Arnold (Legal Team Manager (Deputy Monitoring Officer)), Charmaine Terry (Environmental Health Team Manager (Licensing)) Sharon Smith (Licensing and Enforcement Officer) and Matthew Kerry (Governance and Civic Officer).

Also in attendance, observing, was Councillor David Bennett.

GLSC7-24/25 ELECTION OF CHAIR FOR THE MEETING

Moved by Councillor Anne Clarke and seconded by Councillor Will Fletcher
RESOLVED that Councillor Emma Stevenson be elected as Chair for the meeting.

Councillor Emma Stevenson in the Chair

GLSC8-24/25 APOLOGIES FOR ABSENCE

There were no apologies for absence.

GLSC9-24/25 DECLARATIONS OF INTEREST

There were no declarations of interest made.

GLSC10-24/25 MINUTES

Moved by Councillor Emma Stevenson and seconded by Councillor Anne Clarke
RESOLVED that the minutes of the meeting of the General Licensing Sub Committee held on 5th December 2024 be approved as a true and correct record.

GLSC11-24/25 EXCLUSION OF THE PUBLIC

Moved by Councillor Will Fletcher and seconded by Councillor Anne Clarke
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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GLSC12-24/25 TO CONSIDER WHETHER A LICENCE HOLDER 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 10:50 hours, and the Licence Holder, Environmental Health Team Manager and Licensing and Enforcement Officer left the room for Members to deliberate.

The Sub Committee reconvened at 11:43 hours, and 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 December 2024, the Panel listened to the complaint made to the Licence Holder's Operator and viewed the CCTV footage of the entire journey taken from inside the Licence Holder's taxi.
2. The CCTV footage showed the Licence Holder conversing with a lone passenger. For the first (approximate) 6 minutes of the journey, the conversation was 'small talk' about Leeds and other areas in the UK, as well as holiday destinations and pricing. At just after 6 minutes of the journey, after a pause in the conversation, the Licence Holder asked, "what's the nicest compliment to give to a lady?" – this part of the conversation went on for around 3.5 minutes and included discussions about online dating.
3. At approximately 9 minutes and 25 seconds into the journey, the Licence Holder said, "I was asking one lady what does stop mean". The Licence Holder then continued talking about performing oral sex on a female, and stated, "where I am from stop doesn't mean stop [laughs] stop means continue... if she says stop and she's still there it's more like she's telling you, you be the one to initiate this not me, that's the information she's trying to pass to you". The conversation continued with the Licence Holder talking

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about initiating sex. Shortly after this, the passenger interrupted and said they needed to take a phone call – they continued talking on the phone for the remainder of the journey.

4. The Panel noted that the telephone call taken by the passenger had been arranged via text with their partner as they;
 - i. Felt uncomfortable with the conversation;
 - ii. Did not want the Licence Holder to believe they was arriving to an empty home / alone; and,
 - iii. They were fearful the Licence Holder would try something and the passenger was alone and would not be able to do anything.

It was noted the passenger had reported the matter to the Police after the journey had ended.

5. The Panel listened to the Licence Holder's explanation that nothing was meant by the conversation – they believed it to be a normal topic of conversation. The Licence Holder stated that they were not trying to initiate anything with the passenger, but on reflection appreciated that in the UK it may not have been a conversation that should have happened.
6. The Panel were concerned with the conversation and language from the Licence Holder. The Panel accepted that the passenger felt fearful and worried about appearing alone and what could happen.
7. The Panel discussed at length the above concern, and the Licence Holder's response to a question that in future they would 'keep conversations professional'.
8. The Panel noted that the Licence Holder had been a licensed driver for a very short time and so had only recently completed all the requisite courses a driver needed, including safeguarding. The Panel considered whether re-doing any courses would improve the Licence Holder's understanding of the appropriateness of their language / conversation, but they did not feel such courses would address their concerns.
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 alone' – the Panel's answer was 'no'.
10. The Panel's view was that no passenger should be made to feel fearful or worried for their safety when travelling in the back of a taxi. The Licence Holder's language and topic of conversation was inappropriate and had caused a passenger concern for their safety.

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11. 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 and Enforcement Officer's 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 and Enforcement Officer, including the audio recording of the complaint and the CCTV footage from the vehicle;
- 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;
- 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 Sub Committee was adjourned at 11:45 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 11:54 hours.

GLSC13-24/25 TO CONSIDER WHETHER A LICENCE HOLDER REMAINS 'FIT AND PROPER' TO HOLD A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER'S LICENCE

EXEMPT PARAPGRAPH 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.

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The Sub Committee was adjourned at 12:04 hours. The Licence Holder, Environmental Health Team Manager and Licensing and Enforcement Officer left the room for Members to deliberate.

The Sub Committee reconvened at 12:31 hours. 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 allow the combined Hackney Carriage and Private Hire Driver's Licence to continue with a strict warning as to future conduct.

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

1. The Licence Holder had held a combined licence with the Council since September 2021.
2. Historically, the Licence Holder had received a written warning in January 2023 after they had failed to disclose two endorsements on their DVLA licence, i.e.:
 - i. SP30 in May 2022 (3 points); and,
 - ii. SP30 in August 2022 (3 points).

That warning letter reminded the Licence Holder of the obligations of their licence, requiring that they notify the Council within 7 days of any conviction of any offence or on receipt of a Fixed Penalty. The warning letter went on to state that further offences/breaches could result in suspension, revocation or referral to the Sub Committee.

3. On 23rd August 2024, the Licence Holder had emailed the Licensing Section to advise that they had received a Fixed Penalty of £100 and 3 points endorsed on their DVLA driving licence. The Fixed Penalty was for an offence on 27th July 2024.
4. The notification of this July 2024 Fixed Penalty was again outside of the obligation to notify within 7 days of receipt.
5. Furthermore, the July 2024 endorsement now meant that the Licence Holder had 9 points on their DVLA driving licence.
6. When questioned, the Panel were concerned with the Licence Holder's response that all 9 points had been awarded on journeys carrying passengers, i.e., in the course of business.
7. The Panel accepted the Licence Holder's explanation for why they had failed to report the endorsements in 2022.

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8. The Panel felt that the Licence Holder accepted the seriousness of the failure to notify, and the amount of points now / currently on their DVLA licence.
9. The Panel gave a strict final warning to the Licence Holder – this warning was to remain on their driver record indefinitely. It was made clear to the Licence Holder that;
 - All notifications to the Council (in compliance with the requirements of the Combined Licence and the Council's Policies) must be made in writing within the requisite 7 days of receipt – failure to do so would result in a further Sub Committee to consider the Licence Holder's licence; and,
 - Any further DVLA endorsements on the Licence Holder's licence would be 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 12:32 hours.