

## **BATH AND NORTH EAST SOMERSET**

### **LICENSING (TAXIS, STREET TRADING AND MISCELLANEOUS) SUB-COMMITTEE**

**Tuesday, 6th November, 2012**

**Present:-** Councillors Gabriel Batt, Bryan Chalker and Gerry Curran (Chair)

**Also in attendance:** John Dowding (Senior Licensing Officer), Enfys Hughes and Shaine Lewis (Senior Legal Adviser)

#### **40 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer drew attention to the emergency evacuation procedure as set out on the agenda.

#### **41 APOLOGIES FOR ABSENCE**

It was reported that Councillor Sarah Bevan had sent her apologies, Councillor Gerry Curran was her substitute

#### **42 DECLARATIONS OF INTEREST**

There were none.

#### **43 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR(PERSON)**

There was none.

#### **44 MINUTES - 2ND OCTOBER**

**RESOLVED** that the minutes of the meeting of Tuesday 2<sup>nd</sup> October 2012 be confirmed as a correct record and signed by the Chair(person).

#### **45 LICENSING PROCEDURE - HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE DRIVERS HEARING**

**RESOLVED** that the procedure for this part of the meeting be noted.

#### **46 EXCLUSION OF THE PUBLIC**

**RESOLVED** "that, having been satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item(s) of business because of the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Act, as amended."

**47 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- MR M C D**

The Sub-Committee considered the report which sought determination of an application by Mr MCD for the grant of a combined hackney carriage/private hire driver's licence.

The applicant Mr MCD was present. He confirmed he had read and understood the procedure for the meeting.

The Licensing Officer presented the report and stated that as part of the application process a Criminal Records Bureau check was undertaken which had revealed a previous caution. He circulated the Criminal Records Bureau check, personal statement and references in respect of Mr MCD. He added that Mr MCD had provided a medical certificate indicating that he was Type 1 diabetic and therefore did not meet the required standard of Group 2 medical fitness. The DVLA have laid down criteria for when a licence may be granted in such situations. The applicant and the officer withdrew from the meeting while Members took some time to consider these documents.

Mr MCD put his case and was questioned. Mr MCD then made a closing statement.

Following an adjournment it was

**RESOLVED** that a combined hackney carriage/private hire driver's licence be granted to Mr MCD subject to the standard terms and conditions and the additional condition that the Drivers and Vehicle Licensing Authority's Qualifying conditions for Group 2 Vocational Drivers is placed on his private hire driver's licence.

Reasons for decision

Members determined an application for a combined hackney carriage/private hire vehicle driver's licence. In so doing they took into account the Local Government (Miscellaneous Provisions) Act 1976, the Council's Policy and the Human Rights Act 1998.

Members listened carefully to Mr D's representations and had regard to his criminal records check, his medical examination certificate and supporting information. Members found Mr D was fully aware of the risks involved with his condition and that it was well managed. With regard to the caution Members considered this was an aberration and that he had moved on with his life since then.

Members found Mr D was a fit and proper person to hold a combined hackney carriage/private hire drivers' licence and resolved to issue a licence subject to annual renewal and the Drivers and Vehicle Licensing Authority's Qualifying Conditions for Group 2 Vocational Drivers being placed as conditions on his private hire driver's licence.

**48 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- MR G O W**

The Sub-Committee considered the report which sought determination of an application by Mr GOW for the grant of a combined hackney carriage/private hire driver's licence.

The applicant Mr GOW was present. He confirmed he had read and understood the procedure for the meeting.

The Licensing Officer presented the report and stated that as part of the application process a Criminal Records Bureau check was undertaken which had revealed some previous convictions. He circulated the Criminal Records Bureau check, personal statement and references in respect of Mr GOW. The applicant and the officer withdrew from the meeting while Members took some time to consider these documents.

Mr GOW put his case and was questioned. Mr GOW then made a closing statement.

Following an adjournment it was

**RESOLVED** that a combined hackney carriage/private hire driver's licence be granted to Mr GOW subject to the standard terms and conditions.

Reasons for decision

Members determined an application for a combined hackney carriage/private hire vehicle driver's licence. In so doing they took into account the Local Government (Miscellaneous Provisions) Act 1976, the Council's Policy and the Human Rights Act 1998.

Members listened carefully to Mr W's representations, had regard to his Criminal Record check, his written statement and reference. Whilst taking a dim view of these serious motoring offences Members considered they were the result of unusual circumstances and a misguided desire to help a friend.

Members found Mr W was a fit and proper person to hold a combined hackney carriage/private hire drivers' licence.

The meeting ended at 10.45 am

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**