

**Democratic Services**

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Date: 29 October 2012

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**To: All Members of the Licensing (Taxis, Street Trading and Miscellaneous)  
Sub-Committee**

Councillor Sarah Bevan  
Councillor Gabriel Batt  
Councillor Bryan Chalker

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Licensing (Taxis, Street Trading and Miscellaneous) Sub-Committee: Tuesday, 6th  
November, 2012**

You are invited to attend a meeting of the **Licensing (Taxis, Street Trading and  
Miscellaneous) Sub-Committee**, to be held on **Tuesday, 6th November, 2012 at 10.00 am** in  
the **Council Chamber - Guildhall, Bath.**

**Briefing**

Members of the Sub-Committee are reminded that the meeting will be preceded by a briefing at  
9.30am.

The agenda is set out overleaf.

Yours sincerely



Enfys Hughes  
for Chief Executive

**If you need to access this agenda or any of the supporting reports in an alternative  
accessible format please contact Democratic Services or the relevant report author  
whose details are listed at the end of each report.**

*This Agenda and all accompanying reports are printed on recycled paper*

## NOTES:

1. **Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Enfys Hughes who is available by telephoning Bath 01225 394410 or by calling at the Riverside Offices Keynsham (during normal office hours).
2. **Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Enfys Hughes as above.

Appendices to reports are available for inspection as follows:-

**Public Access points** - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

**For Councillors and Officers** papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

3. **Attendance Register:** Members should sign the Register which will be circulated at the meeting.
4. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.
5. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

**Licensing (Taxis, Street Trading and Miscellaneous) Sub-Committee - Tuesday, 6th November, 2012**

**at 10.00 am in the Council Chamber - Guildhall, Bath**

**A G E N D A**

1. EMERGENCY EVACUATION PROCEDURE

The Chair(person) will refer to the emergency evacuation procedure as set out under Note 5 for each case.

2. APOLOGIES FOR ABSENCE

To inform the meeting of any apologies and substitutions for the meeting.

3. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* **an other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR(PERSON)

5. MINUTES - 2ND OCTOBER (Pages 7 - 12)

6. LICENSING PROCEDURE - HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE DRIVERS HEARING (Pages 13 - 14)

7. EXCLUSION OF THE PUBLIC

The Committee is asked to consider passing the following resolution:

"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 and 2 of Part 1 of Schedule 12A of the Act, as amended".

8. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- MR M C D (Pages 15 - 24)

9. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:-  
MR G O W (Pages 25 - 32)

The Committee Administrator for this meeting is Enfys Hughes who can be contacted on 01225 394410.

**BATH AND NORTH EAST SOMERSET**

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

**Tuesday, 2nd October, 2012**

**Present:-** Councillors Sarah Bevan (Chair), Gabriel Batt and Tim Warren

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

**29 EMERGENCY EVACUATION PROCEDURE**

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

**30 APOLOGIES FOR ABSENCE**

It was reported that Councillor Bryan Chalker had sent his apologies, Councillor Tim Warren was his substitute.

**31 DECLARATIONS OF INTEREST**

There were none.

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

There was none.

**33 MINUTES -23RD AUGUST 2012**

**RESOLVED** that the minutes of the meeting of Thursday 23<sup>rd</sup> August 2012 be confirmed as a correct record and signed by the Chair(person).

**34 MINUTES - 4TH SEPTEMBER 2012**

**RESOLVED** that the minutes of the meeting of Tuesday 4<sup>th</sup> September 2012 be confirmed as a correct record and signed by the Chair(person).

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

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

**36 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 items(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.”

**37 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- MR GWRG**

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

The applicant Mr GWRG 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 previous convictions. He circulated the Criminal Records Bureau check, personal statement and references in respect of Mr GWRG. The applicant and the officer withdrew from the meeting while Members took some time to consider these documents.

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

Following an adjournment it was

**RESOLVED** that a hackney carriage/private hire driver's licence be granted in respect of Mr GWRG, subject to the standard terms and conditions.

Reasons for decision

Members have determined an application by Mr GWRG for a combined hackney carriage/private hire 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 the applicant's representations, had regard to a Criminal Records check, his written statement and references. Members noted he had been convicted of common assault, possession of cannabis, breach of a Community Service Order and had also obtained caution for violence. The last conviction was obtained in 2008.

Members noted that the last offence was committed in 2008 and therefore fell outside of the general policy on convictions. They noted that Mr GWRG had made a conscious decision to turn his life around and had presented himself well to them today. Whilst Members noted the seriousness of the convictions they nevertheless considered that his offending behaviour was in the past and that he is a fit and proper person to hold a combined hackney carriage and private hire drivers licence.

**38 CONSIDERATION OF CONVICTION OBTAINED:- MR P A F**

The Sub-Committee considered the report which sought determination of any action to be taken in respect of a conviction obtained by Mr PAF during the term of his hackney carriage/ private hire driver's licence.

Mr PAF was present. He confirmed he had read and understood the procedure for the meeting.

The Licensing Officers presented the report. He stated that as part of the renewals process a Criminal Records Bureau check was undertaken which had revealed a conviction. This conviction had not been previously disclosed to the Licensing Section as required by the standard conditions of his licence. He circulated the Criminal Records Bureau check and statement in respect of Mr PAF. The applicant and the officer withdrew from the meeting while Members took some time to consider these documents.

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

Following an adjournment it was

**RESOLVED** that 4 penalty points be imposed on Mr PAF's hackney carriage/private hire driver's licence for failing to disclose the conviction.

#### Reasons for decision

Members were asked to determine if Mr PAF was a fit and proper person to continue to be licensed as a hackney carriage/private hire driver in light of a conviction that he had obtained during the term of his licence. If so, whether any action should be taken against him, as he had not declared the conviction to the Council as required by the Standard Conditions attached to his hackney carriage/private hire driver's licence.

In doing they took into account the Local Government (Miscellaneous Provisions) Act 1976, the Council's Policy, Human Rights Act 1998 and the Council's Penalty Points system relating to hackney carriage/private hire drivers.

Members listened carefully to his representations, had regard to a Criminal Records Check and his written statement. Members noted the conviction related to common assault and which fell just outside of the Council's Policy. Members noted that Mr PAF was genuine in his representations, that he was open and honest and presented himself well to them today.

Members did consider that they, their friends, family or loved ones would be safe in a vehicle driven by Mr PAF and found him a fit and proper person to continue to hold a combined hackney carriage/private hire driver's licence.

With respect to the fact that he did not declare the conviction, as required by the Council's Standard Conditions, Members decided to impose four penalty points on his hackney carriage/private hire driver's licence.

### **39 CONSIDERATION OF CONVICTION OBTAINED:- MR R J M**

The Sub-Committee considered the report which sought determination of any action to be taken in respect of a conviction obtained by Mr RJM during the term of his hackney carriage/ private hire driver's licence.

Mr RJM was present. He confirmed he had read and understood the procedure for the meeting.

The Licensing Officers presented the report. He stated that as part of the renewals process a Criminal Records Bureau check was undertaken which had revealed a conviction. This conviction had not been previously disclosed to the Licensing Section as required by the standard conditions of the licence. He circulated the Criminal Records Bureau check and statement in respect of Mr RJM. The applicant and the officer withdrew from the meeting while Members took some time to consider these documents.

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

Following an adjournment it was

**RESOLVED** that 4 penalty points be imposed on Mr RJM's hackney carriage/private hire driver's licence for failing to disclose the conviction.

#### Reasons for decision

Members have been asked to determine if Mr RJM is a fit and proper person to continue to be licensed as a hackney carriage/private hire driver in light of a conviction that he had obtained during the term of his licence. If so, whether any action should be taken against him, as he had not declared the conviction to the Council as required by the Standard Conditions attached to his hackney carriage/private hire driver's licence.

In doing so they took into account the Local Government (Miscellaneous Provisions) Act 1976, the Council's Policy, Human Rights Act 1998 and the Council's Penalty Points system relating to hackney carriage/private hire drivers.

Members listened carefully to his representations, had regard to a Criminal Records Check and his written statement. Members noted the conviction related to theft by an employee which fell just inside of the Council's Policy.

They noted that the Policy stated that licensed drivers are expected to be persons of trust and may be required to deliver unaccompanied property. Further that it could be comparatively easy to defraud the public by overcharging fares. They noted that the Policy states that a period of 3-5 years free of such a conviction should be required before entertaining such an application.

Whilst the Members did have reservations as to the convictions, they noted that Mr RJM had been licensed as a hackney carriage/private hire driver for four years and that no problems had been reported in that time period.

Members considered that they, their friends, family or loved ones would be safe in a vehicle driven by Mr PAF and find him a fit and proper person to continue to hold a combined hackney carriage/private hire driver's licence.



With respect to the fact that he did not declare the conviction, as required by the Council's Standard Conditions, Members decided to impose four penalty points on his hackney carriage/private hire driver's licence.

The meeting ended at 11.42 am

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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## Agenda Item 6

### **Licensing (Taxis, Street Trading & Miscellaneous) Sub Committee Hackney Carriage (taxi) and Private Hire Drivers Hearing Procedure**

1. The Chair will introduce Members of the Sub-Committee, introduce the Officers present, explain the procedure to be followed and ensure those present understand that procedure.
2. The Licensing Officer will outline the nature of the matter to be considered by the Sub-Committee.
3. The Applicant is asked to leave the room while the Sub-Committee consider the CRB check, references and statement.
4. The Applicant (or his/her representative) addresses the Sub-Committee.
5. The Applicant may be asked questions about the matter by the Sub-Committee.
6. The Applicant (or his/her representative) may call witnesses in support of their case and each witness may also be asked questions.
7. The Chair will ask the Licensing Officers present whether they wish to make any comments. If the Officers makes comment they may be asked questions.
8. The Applicant will be invited to make a closing statement.
9. The Sub-Committee withdraw to private session to consider their decision. The Sub-Committee may reconvene to resolve any points of uncertainty on matters already raised. The Sub-Committee will be accompanied for advice only by the Legal Adviser and Democratic Services Officer.
10. The Sub-Committee will return to the meeting room and the Chair will announce the Sub-Committee's decision with reasons and advise that the decision will be released in writing within the statutory time limits.
11. Where the Sub-Committee attach conditions to the licence the Sub-Committee will detail those conditions.

#### **PLEASE NOTE:**

- Where the Sub-Committee considers it necessary the procedure may be varied.
- In circumstances where any party fails to attend the Sub-Committee will consider whether to proceed in that party's absence or defer to the next meeting on notice to all parties that the matter may proceed in a parties absence on the next occasion. In deciding whether to proceed all notices and representations will be considered.
- Only in **exceptional circumstances** will the Sub-Committee take into account any additional late documentary or other information produced by an existing

party in support of their application/representation. This will be at the discretion of the Chair and with the agreement of all the other parties. No new representations will be allowed at the hearing.

- The Sub-Committee will disregard any information or representation given by a party they consider not to be relevant to an Application.
- The hearing will take the form of a discussion and the Sub-Committee will allow all parties to ask questions of other parties present. However, formal cross examination will be discouraged although supplementary questions may be asked for clarification purposes.
- If any person has special needs regarding access, hearing or vision, this should be brought to the Licensing Authority's attention prior to the hearing in order that reasonable adjustments can be made.
- Parties will be allowed an equal maximum period of time to make representations. Although time limits will be at the discretion of the Chair, in the interests of costs and efficiency, this will not normally exceed **twenty minutes** and will include both case presentation and summing up. The time limit will not include the time taken for questions.

**N.B.**

1. Where there is more than one party making relevant representations the time allocated will be split between those parties and it is therefore recommended parties arrive early to discuss the application with other interested parties.
  2. Where several parties make the same or similar representations one representative should be appointed to make the representations.
  3. Where an objection is made by an association or local residents group, a duly authorised person – as notified to the Licensing authority – may speak on behalf of that association or local residents group.
- The Chair may require any person attending the hearing who is behaving in a disruptive manner to leave the hearing and refuse to allow that person to return, or only allow them to return subject to certain conditions. Any person so excluded will however be entitled to submit to the Sub-Committee any information which they would have been entitled to give orally had they not been required to leave.
  - Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion, but on occasion may find it necessary to exclude members of the press and public based upon the legal framework given in the Local Government Act 1972 Schedule 12 (a). On these occasions decisions based on the above framework will be given.

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

## Agenda Item 8

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By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

## Agenda Item 9

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