

BATH AND NORTH EAST SOMERSET

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

Tuesday, 4th September, 2012

Present:- Councillors Sarah Bevan (Chair), Gabriel Batt and Bryan Chalker

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

18 EMERGENCY EVACUATION PROCEDURE

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

19 APOLOGIES FOR ABSENCE

There were none.

20 DECLARATIONS OF INTEREST

There were none.

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

There was none.

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

RESOLVED that the procedure for the meeting be noted.

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

24 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- MR AVP

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

The applicant Mr AVP 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 reference in respect of Mr AVP. The applicant and the officer withdrew from the meeting while Members took some time to consider these documents.

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

Following an adjournment it was

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

Reasons for decision

Members have 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 the applicant's representations, had regard to a Criminal Records check and his written statement. Members noted he had been convicted of a number of violence offences with the last being in 1998.

Members found Mr P presented himself very well and that the offences whilst serious had occurred when he was a young man and fell outside of the general policy on convictions. In the circumstances Members found his offending behaviour was in the past, that he has turned his life around and was a fit and proper person to hold a combined hackney carriage/private hire driver's licence.

25 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- MR VVB

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

The applicant Mr WB was present. He confirmed he had read and understood the procedure for the meeting and did not wish to have an interpreter.

The Licensing Officer presented the report and stated that as part of the application process a check was undertaken which had revealed previous motoring offences. He circulated a translated Romanian Certificate of motoring offences and personal statement in respect of Mr WB. The applicant and the officer withdrew from the meeting while Members took some time to consider these documents.

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

Following an adjournment it was

RESOLVED that a hackney carriage/private hire driver's licence in respect of Mr WB not be granted.

Reasons for decision

Members have 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 asked Mr B to confirm he had read and understood the licensing policy which he did and asked if he required an interpreter which he did not.

Members listened carefully to the applicant's representations, had regard to a Romanian Certificate of the applicant's Driving Record and his written statement. Members noted the convictions related to motoring matters which occurred in close proximity to each other and were concerned that this demonstrated a pattern of reoffending behaviour. Members noted that Mr B did not give a satisfactory explanation of the circumstances of the offences and appeared reluctant to explain the reasons for his behaviour. Given the nature of the application and lack of any adequate explanation Members did not consider they, their friends, family or loved ones would be safe in a vehicle driven by Mr B and found him not to be a fit and proper person to hold a combined hackney carriage/private hire driver's licence .

26 CONSIDERATION OF COMPLAINT RECEIVED :- MR A N F

The Sub-Committee considered the report which sought determination of a complaint received in respect of Mr ANF's behaviour whilst carrying out his duties as a licensed private hire driver.

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

The Licensing Officer presented the report and stated that he had received information from the Mr ANF's operator in respect of a complaint about him. He played a recording of the message left by Mr ANF.

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

Following an adjournment it was

RESOLVED that a strict warning be issued to Mr ANF in respect of the complaint about his behaviour whilst carrying out his duties as a licensed Private Hire Driver.

Reasons for decision

Members took into account the Human Rights Act 1998, the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Policy.

Members had to consider what action, if any, to take in light of the complaint received against Mr ANF during the course of his employment as a licensed driver.

In doing so Members had to consider whether Mr F continued to be a fit and proper person and therefore had regard to his history as a Licence holder, the substance of the complaint and his representations. However, with regard to fitness Members disregarded matters relating to Mr F's personal circumstances.

Members considered the circumstances of that evening, Mr F's record as a licensed driver and his apology and on this occasion determined that he continued to be a fit and proper person to continue to hold a licence. However, Mr F was warned as to his future conduct and reminded that should he appear before the sub-committee in the future this and any subsequent matter would be considered and which might result in the possibility of his licence being revoked.

27 RETURN TO OPEN SESSION

RESOLVED that the meeting return to open session.

28 APPLICATION FOR A STREET TRADING CONSENT - BROAD STREET CHRISTMAS MARKET, LOWER BROAD STREET, BATH (SARAH MANSFIELD, ST MICHAELS CHURCH/MILSOM PLACE LTD)

The Sub-Committee considered the report which sought determination of an application for a Street Trading Consent for a Christmas Market at Lower Broad Street, Bath.

The Licensing Officer informed Members that he had received an e-mail the day before the meeting from the applicant, stating that she wished to withdraw the application. The objectors had been informed.

RESOLVED that as the application had been withdraw the matter not be considered.

The meeting ended at 11.25 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services