

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 23rd 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 4th 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