

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Tuesday, 26th May, 2015, 11.00 am

Councillors: Paul Myers (Chair), Anthony Clarke and Dine Romero

Officers in attendance: Cathryn Humphries (Team Manager for Licensing and Environmental Protection), John Dowding (Senior Public Protection Officer) and Carrie-Ann Evans (Senior Legal Adviser)

180 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

181 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

182 DECLARATIONS OF INTEREST

There were none.

183 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

184 MINUTES: 12 MAY 2015

These were approved as a correct record and signed by the Chair.

185 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 and the reporting of the meeting be prevented under Section 100A(5A) 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.

186 TAXI PROCEDURE

The Chair drew attention to the procedure to be followed for the next item of business.

187 CONSIDERATION OF COMPLAINTS RECEIVED - MR R F M

Mr R F M confirmed that he had received and understood the procedure to be followed for the hearing.

The Senior Public Protection Officer presented the report and read out the summary of complaints received against Mr R F M.

Mr R F M stated his case and submitted a written statement which had not been submitted before the meeting, as he said he had not received the recommended ten days' notice of the hearing. The Chair in consultation with the Members admitted the written statement into evidence in the exercise of his discretion. The Sub-Committee adjourned to consider the statement following which the meeting reconvened.

Mr R F M was questioned by Members and then made a closing statement.

Following an adjournment, the Sub-Committee **RESOLVED** that on the balance of probabilities he continued, at present, to be a fit and proper person to hold a hackney carriage/private hire driver's licence, but that he should be given a clear warning about his future conduct.

Decision and reasons

Members have had to determine what action, if any, to take against the licensee who has received complaints against him during the currency of his licence.

In determining the matter Members had regard to the Local Government (Miscellaneous Provisions) Act 1976, the Council's Policy, Human Rights Act 1998 and case law. Members noted that case law stated hearsay evidence is admissible, the economic wellbeing of the licensee is irrelevant and when considering any action the protection of the public is of the utmost importance. Accordingly Members had to decide whether the licensee continued to be a fit and proper person to hold a licence taking into account all the circumstances including his driving history and character.

Members took account of Mr R F M's oral and written representations. It was noted that Mr R F M accepted a certain amount of wrongdoing in relation to the complaints against him but felt he was often misunderstood.

In closing submissions Mr R F M sought to reassure Members that he had learned from his mistakes and that he takes his job very seriously. He addressed Members on why he feels he continues to be a fit and proper person and submitted that he has many years of driving experience, has a clean driving licence and no criminal convictions. He described himself as a family man who in general enjoys a good relationship with the majority of his clients and the public.

Members took a dim view of Mr R F M's conduct noting particularly that there had been 15 complaints against him in the last 6 years. This gave some cause for concern and Members had some reservations about Mr R F M as a licensee however taking into account all the circumstances they found that on balance, at present, he continued to be a fit and proper person to hold a hackney carriage/private hire driver's licence. Mr R F M was told that as a licensed taxi driver for BANES he was expected to fulfil an ambassadorial role for the City and set a positive example through the way in which he conducts himself. Members decided to give Mr R F M a clear warning that should he appear before the Licensing Sub-Committee again in relation to his conduct, he was at risk of having his licence revoked.

The meeting ended at 1.08 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services