

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Tuesday, 4th August, 2015, 10.00 am

Councillors: Paul Myers (Chair), Mark Shelford and Caroline Roberts

Officers in attendance: John Dowding (Senior Public Protection Officer) and Shaine Lewis (Principal Solicitor and Deputy Monitoring Officer)

26 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

27 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

28 DECLARATIONS OF INTEREST

There were none.

29 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

30 MINUTES: 7 JULY AND 14 JULY

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

31 TAXI PROCEDURE

The Chair drew attention to the procedure to be followed for agenda items 8 and 9.

32 EXCLUSION OF THE PUBLIC

RESOLVED that, the Sub-Committee having been satisfied that the public interest would be better served by not disclosing relevant information, the public be excluded from the meeting for agenda items 8 and 9 in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, and that the reporting of these items be prevented in accordance with Section 100A(5A) of the Act, 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.

33 CONSIDERATION OF CONVICTION OBTAINED - M K

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

The Senior Public Protection Officer summarised the report and invited the Sub-Committee to determine the issue.

Mr K read out a prepared statement and was questioned by Members.

Mr K was questioned by Members and in answer to a question relating to his conduct as a licenced driver Mr K replied that there had been no issues with his conduct in the 8 years he had been a licensee.

The Senior Public Protection Officer clarified Mr K's reply. He stated that whilst Mr K had not been before a Sub-Committee he had spoken to Mr K and warned about accepting fares that were not pre-booked as a result of complaints received.

Mr K did not wish to make a closing statement but acknowledged he had been spoken to by the Officer but insisted the complaints resulted from confusion surrounding where he parked his vehicle.

Following an adjournment the Sub-Committee **RESOLVED** to suspend Mr K's combined Hackney Carriage/Private Hire Driver's Licence for 28 days.

Reasons

Members have had to determine what action to take against the holder of a combined Hackney Carriage / Private Hire Driver's Licence having obtained convictions during the course of his licence. In doing so they took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

Members took account of the applicant's oral representations and were aware that case law stated the economic wellbeing of the applicant was 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, record as a licenced driver and his character.

The applicant read a statement and stated he did not remember the incident and was confused as to the circumstances of the offence. He stated he would normally ask customers to pre-book journeys particularly given the risks of not being insured. On this occasion he felt there was some misunderstanding. With regard to complaints received by the licensing department that he had previously picked up passengers without pre-booking and spoken to by officers he stated that these incidents had not happened but rather arose from a confusion surrounding where he parked his car on George Street which had been resolved.

Members took a dim view of the offence of plying for hire resulting in an offence of driving without insurance. Members noted from his statement that he clearly knew what he was doing was illegal in that a Private Hire Vehicle could not accept a fare that was not pre-booked. Further whilst he stated he had regretted the situation members noted he had not accepted any responsibility for the offence, had not shown any remorse nor had he made any apology. In reaching their decision Members considered it was inappropriate to give him a warning as to his future conduct and that revocation would be disproportionate. Accordingly Members suspended his combined Hackney Carriage/Private Hire Vehicle driving license for 28 days as a necessary and proportionate step offering an opportunity to reflect on

his conduct and understand the serious nature of his obligations and responsibilities as a licensed driver.

34 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - J P

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

The Senior Public Protection Officer summarised the report and invited the Sub-Committee to determine the issue. He provided Members with copies of a DBS certificate relating to Mr P and of a statement from him. The Sub-Committee adjourned to allow Members time to study these documents.

After the Sub-Committee had reconvened, Mr P stated his case and was questioned by Members.

Mr P made a closing statement.

Following an adjournment the Sub-Committee **RESOLVED** that Mr P was a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence.

Reasons

Members have had to determine an application for a combined Hackney Carriage/Private Hire Driver's Licence. In doing so they took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

In making a determination Members took account of the applicant's oral representations, his statement, references and balanced these against the information provided by the Disclosure and Barring Service.

The applicant stated the incidents happened in a small block period of his life but he had moved on, had not committed any further offences and no longer let his anger get out of hand.

Members noted that Mr P's offending occurred within a short period of time in 2010 arising out of particular circumstances and that he had completed an anger management course as a result. Members acknowledged he had accepted responsibility and had moved on with his life and accordingly found him a fit and proper person to hold a combined Hackney Carriage/Private Hire drivers licence.

The meeting ended at 12.35 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

