

## **BATH AND NORTH EAST SOMERSET COUNCIL**

### **LICENSING SUB-COMMITTEE**

Tuesday, 6th October, 2015, 10.00 am

**Councillors:** Mark Shelford, Caroline Roberts and Will Sandry

**Officers in attendance:** Carrie-Ann Evans (Senior Legal Adviser), Alan Bartlett (Public Protection Team Leader) and John Dowding (Senior Public Protection Officer)

#### **53 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the procedure.

#### **54 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Cllr Paul Myers, for whom Cllr Will Sandry substituted.

#### **55 DECLARATIONS OF INTEREST**

There were none.

#### **56 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

#### **57 MINUTES: 15TH SEPTEMBER 2015**

The minutes of the meeting of 15<sup>th</sup> September 2015 were approved as a correct record and signed by the Chair.

#### **58 HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S APPLICATION**

The Chair drew attention to the procedure to be followed for the Agenda Item 8.

#### **59 EXCLUSION OF THE PUBLIC**

**RESOLVED** that, the Committee 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 shall be excluded from the meeting for the following item 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.

#### **60 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - MR A R 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. He provided Members with copies of a Disclosure and Barring Service certificate relating to Mr P, a written

statement from him and two references. The hearing was adjourned to allow Members time to study these documents.

Mr P stated his case and was questioned by Members. Mr P did not wish to make a closing statement.

Following an adjournment, it was **RESOLVED** to grant Mr P 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, and reference and balanced these against the information provided by the Disclosure and Barring Service.

The applicant indicated that the offence the subject of that caution arose out of particularly stressful personal circumstances. He informed the committee that in future, if a bad situation arises he has learnt to walk away. Aside from the caution on his record he indicated that he had never been in trouble and had an otherwise clean record.

Members noted from the Policy that the Council will expect that an applicant will not have been cautioned by the police for an offence during the previous two years. In this case Mr A R P was cautioned in 2010 for an offence which occurred in 2009.

Members took the view that the applicant was a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence and accordingly, resolved to grant his licence.

## **61 HC/PH PROPRIETOR'S PROCEDURE**

The Sub-Committee returned to open session.

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

## **62 APPLICATION FOR A HACKNEY CARRIAGE PROPRIETOR'S LICENCE - MR D SCARAMANGA**

The Applicant confirmed that he had received and understood the procedure to be followed for the hearing.

The Senior Public Protection Officer presented the report.

The Applicant said that the officer's report was very comprehensive and that he had nothing to add to it. He did not wish to make a closing statement.

Following an adjournment, the Sub-Committee **RESOLVED** to grant the Hackney Carriage Proprietor's Licence subject to the standard conditions and the following 2 special conditions:

- (1) Any substitute vehicle must not be older than the currently licensed vehicle at the time of substitution.
- (2) Any substitute vehicle must be purpose-built to the same or higher accessibility standards and capable of catering for a range of disabilities including visual and aural impairments.

### Reasons

Members have had to determine an application for a Hackney Carriage Proprietor's Licence. In doing so they took account of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, the Transport Act 1985, Human Rights Act 1998, case law, the Council's Policy and the Unmet Demand Survey.

In making a determination members also took account of the applicant's oral representations.

Members noted the results of BANES' unmet demand survey dated April 2015 which reported a demand for an additional 3 licences within zone 1. This application would go towards meeting that unmet demand. Furthermore, Members noted that the vehicle for which the proprietor's licence was sought would be of suitable size, type, design and age to be granted a licence.

For the reasons set out above members resolved to grant the Hackney Carriage Proprietor's Licence subject to the standard conditions and the following 2 special conditions:

- (3) Any substitute vehicle must not be older than the currently licensed vehicle at the time of substitution.
- (4) Any substitute vehicle must be purpose-built to the same or higher accessibility standards and capable of catering for a range of disabilities including visual and aural impairments.

## **63 APPLICATION FOR HACKNEY CARRIAGE PROPRIETOR'S LICENCE - MR N WYATT**

The applicant confirmed that he had received and understood the procedure to be followed for the hearing.

The Senior Public Protection Officer presented the report.

The applicant stated his case. He said that the only thing he wished to add to the officer's report was that the vehicle had been used for hospital work and had a very low mileage. He did not wish to make a closing statement.

A Member observed that the vehicle would be five years' old in four months' time, and asked the Senior Public Protection Officer whether he had inspected it. He replied that he had not, but there would be a mechanical inspection after the hearing as part of the usual application process. When Members requested that they inspect the vehicle, the applicant informed the Chair that it was not immediately available.

Following an adjournment the Sub-Committee **RESOLVED** to adjourn the determination of this application to the 14<sup>th</sup> October next in order that an inspection of the vehicle can take place.

#### **64 APPLICATION FOR HACKNEY CARRIAGE PROPRIETOR'S LICENCE - MR T SKACZKOWSKI**

The applicant confirmed that he had received and understood the procedure to be followed for the hearing.

The Senior Public Protection Officer presented the report.

The applicant stated his case. He did not wish to make a closing statement.

After an adjournment it was **RESOLVED** to grant the Hackney Carriage Proprietor's Licence subject to the standard conditions and the following 2 special conditions:

- (1) Any substitute vehicle must not be older than the currently licensed vehicle at the time of substitution.
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- (4) Any substitute vehicle must be purpose-built to the same or higher accessibility standards and capable of catering for a range of disabilities including visual and aural impairments.

The meeting ended at 11.19 am

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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