

BATH AND NORTH EAST SOMERSET

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

Tuesday, 1st March, 2011

Present:- Councillors Tim Ball (Chair), Malcolm Lees and Carol Paradise

Also in attendance: John Dowding (Senior Licensing Officer), Shaine Lewis (Senior Legal Adviser) and Mark Durnford (Democratic Services Officer)

77 EMERGENCY EVACUATION PROCEDURE

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

78 APOLOGIES FOR ABSENCE

There were none.

79 DECLARATIONS OF INTEREST

There were none.

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

There was none.

81 MINUTES - TUESDAY 7TH DECEMBER 2010

The Sub-Committee **RESOLVED** that the minutes of the meeting on Tuesday 7th December 2010 be confirmed as a correct record and signed by the Chair(person).

Due to an administrative error the minutes of the meeting on Tuesday 2nd November 2010 were attached to the agenda and the Sub-Committee requested an amendment to them.

Minute number 64 – CONSIDERATION OF INFORMATION RECEIVED REGARDING LICENSEE - MR L G T

Fifth paragraph – to read “ He informed Members that he had no written confirmation that the more serious charge had been dropped and had to attend Bath Magistrates Court for trial in December 2010 in respect of the other charge.” Delete “earlier”.

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

The Sub-Committee **RESOLVED** that the procedure for this part of the meeting be noted.

83 EXCLUSION OF THE PUBLIC

The Sub-Committee **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 and 2 of Part 1 of Schedule 12A of the Act, as amended."

84 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- MR F B

The Sub-Committee considered the report which sought determination of an application for the grant of a combined Hackney Carriage/Private Hire Driver's Licence.

The applicant was present. He confirmed he had seen 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 some previous convictions. He circulated the Criminal Records Bureau check, personal statement and references in respect of Mr F B. The applicant and the officer withdrew from the meeting while Members took some time to consider these documents.

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

Following an adjournment, the Sub-Committee **RESOLVED** that a hackney carriage/private hire driver's licence in respect of Mr F B be refused.

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 listened carefully to the applicant's representations, took account of his references, Criminal Records check and statement. Members noted that Mr F B's conviction in 2010 was for an offence of assault occasioning actual bodily harm. This conviction arose from an incident of road rage of which they took a dim view. Having considered the nature and seriousness of the matter, including the fact that Mr F B

got out of his vehicle, struck another motorist, was currently serving his community sentence and his conviction fell squarely within the Council's Policy, Members concluded that Mr F B's application should be refused. Members considered they had heard nothing to satisfy them that their family, friends or loved ones would be safe in a vehicle driven by Mr F B or that the policy should be dis-applied. Members therefore did not find Mr F B a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver Licence.

85 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- MR A T C

The Sub-Committee considered the report which sought determination of an application for the grant of a combined Hackney Carriage/Private Hire Driver's Licence.

The applicant was present. He confirmed he had seen 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 some previous convictions. He circulated the Criminal Records Bureau check, personal statement and references in respect of Mr A T C. The applicant and the officer withdrew from the meeting while Members took some time to consider these documents.

Mr A T C put his case and was questioned and then made a closing statement.

Following an adjournment, the Sub-Committee **RESOLVED** that a hackney carriage/private hire driver's licence in respect of Mr A T C be refused.

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 listened carefully to the applicant's representations, took account of his reference, Criminal Record check and his statement. Members noted that Mr A T C had been convicted of two incidences of assault and had a caution for possessing cannabis. Members further noted that this offending behaviour was all within the preceding ten years, the last assault of which fell squarely within the Council's policy. Having considered the nature and seriousness of Mr A T C's offending Members concluded in all the circumstances that the application should be refused as they had heard nothing to satisfy them that members of their family, friends or loved ones would be safe in a vehicle driven by Mr A T C or that the policy should be dis-applied. Members therefore did not find Mr A T C a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver Licence.

86 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- MISS K D

The Sub-Committee considered the report which sought determination of an application for the grant of a combined Hackney Carriage/Private Hire Driver's Licence.

The applicant and her mother were present. She confirmed she had seen and understood the procedure for the meeting.

The Licensing Officer presented the report and stated that at a meeting of the Housing & Public Protection Committee held on the 27 July 2000 a policy on Hackney Carriage and Private Hire Licensing Standards was adopted.

The policy states that all applicants must have held a full driving licence for a minimum of three years and be a minimum age of 21.

As part of the Licence application process Miss K D was required to produce her DVLA driving licence. A check of this licence revealed that Miss K D had not held a full driving licence for three years at the time of submitting the application.

Miss K D obtained a full entitlement to drive a motor car on the 10th April 2008 and will fulfil the criteria required by Bath & North East Somerset Council on the 10th April 2011.

Miss K D currently has no endorsements on her DVLA driving licence.

Miss K D was born on 10 August 1990 and is currently 20 years old. Miss K D will be 21 on 10th August 2011.

Miss K D put her case and was questioned and then made a closing statement.

Following an adjournment, the Sub-Committee **RESOLVED** that a hackney carriage/private hire driver's licence in respect of Miss K D be granted, subject to the standard terms and conditions.

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 listened carefully to applicant's representations and took account of her references. Members noted that Miss K D's application fell squarely within the council's policy as she will not have attained the age of 21 until August 2011 and had not held a driving licence for the minimum period of three years. However, given the nature of the work she would be undertaking and the way she had presented her application Members dis-applied the policy and found her to be a fit and proper person to hold a combined Hackney Carriage/ Private Hire Driver's Licence.

87 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- MR M G H

The Sub-Committee considered the report which sought determination of an application for the grant of a combined Hackney Carriage/Private Hire Driver's Licence.

The applicant was present and was accompanied by a referee. He confirmed he had seen 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 some previous convictions. He circulated the Criminal Records Bureau check, personal statement and references in respect of Mr M G H. The applicant, referee and the officer withdrew from the meeting while Members took some time to consider these documents.

Mr M G H put his case and was questioned and then made a closing statement.

Following an adjournment, the Sub-Committee **RESOLVED** that a hackney carriage/private hire driver's licence in respect of Mr M G H be granted, subject to the standard terms and conditions.

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 listened carefully to the applicant's representations, took into account a Criminal Record check, the representation from his referee and his statement. Members noted that Mr M G H had a lengthy history of criminality, however, they considered that he presented very well, showed considerable remorse for his past behaviour and were satisfied that his criminal behaviour was now firmly in the past. Given his convictions fell outside of council policy they found him a fit and proper person to hold a Hackney Carriage/Private Hire driver's licence.

88 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- MR P D H

The Sub-Committee considered the report which sought determination of an application for the grant of a combined Hackney Carriage/Private Hire Driver's Licence.

The applicant was present. He confirmed he had seen 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 some previous convictions. He circulated the Criminal Records Bureau check,

personal statement and references in respect of Mr P D H. The applicant and the officer withdrew from the meeting while Members took some time to consider these documents.

Mr P D H put his case and was questioned and then made a closing statement.

Following an adjournment it was

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

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 listened carefully to the applicant's representations, took account of his references, Criminal Record check and his statement. Members noted that Mr P D H's offending behaviour was spread over the last 40 years with the last convictions being for drunk and disorderly and assault on a police officer which fell squarely within the Council's policy. Having considered the nature and seriousness of Mr P D H's offending Members concluded in all the circumstances that Mr P D H presented himself very well and were satisfied that his behaviour was in the past. Members therefore dis-applied the policy and found Mr P D H a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver Licence.

89 CONSIDERATION OF REVOCATION OF PRIVATE HIRE OPERATORS LICENCE:- MR D J S

The Sub-Committee considered the report which sought the revocation of a Private Hire Operators Licence.

The licence holder, Mr D J S was not present.

The Licensing Officer presented the report and stated that Mr D J S had contacted him by telephone to request a deferral of the hearing as he was unwell.

Following an adjournment, the Sub-Committee **RESOLVED** to refuse the request to defer the hearing and revoked the Private Hire Operators Licence of Mr D J S.

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 noted that Mr D J S had failed to attend but had in fact contacted the office the day before the hearing requesting a deferral because he was feeling unwell. However, Members had no medical evidence before them to corroborate this and were satisfied in light of his previous failures to attend such hearings and his failure to take the opportunity offered to him at an earlier stage to make written

representations that Mr D J S had voluntarily absented himself. Members therefore determined to proceed in Mr D J S's absence.

Having considered the matter on the papers Members find Mr D J S unfit to hold a Private Hire Operators Licence in light of his criminal convictions and failure to comply with the terms of his Licence. The convictions, which should have been disclosed to the authority within seven days, were for conveying fare paying passengers in an unlicensed private hire vehicle and driving a motor vehicle with excess alcohol, for which he received a disqualification from driving for a period of 28 months. Members therefore took a serious view of his conduct and failings and therefore revoked the licence.

The meeting ended at 12.15 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services