

## **BATH AND NORTH EAST SOMERSET**

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

**Tuesday, 3rd May, 2011**

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

**Also in attendance:** Alan Bartlett (Principal Licensing Officer), John Dowding, Enfys Hughes and Shaine Lewis (Senior Legal Adviser)

#### **98 EMERGENCY EVACUATION PROCEDURE**

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

#### **99 APOLOGIES FOR ABSENCE**

There were none.

#### **100 DECLARATIONS OF INTEREST**

There were none.

#### **101 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR(PERSON)**

In light of the forthcoming council elections, the Chair thanked the other Councillors and Officers for their time spent on this Sub-Committee.

#### **102 MINUTES - TUESDAY 5TH APRIL 2011**

**RESOLVED** that the minutes of the meeting on Tuesday 5<sup>th</sup> April 2011 be confirmed as a correct record and signed by the Chair(person).

#### **103 LICENSING PROCEDURE - APPLICATIONS FOR LICENSES, PERMITS AND CONSENTS**

**RESOLVED** that the procedure for this part of the meeting be noted.

#### **104 APPLICATION FOR PERMISSION TO PROVIDE FACILITIES ON THE HIGHWAY FOR RECREATION/REFRESHMENT AT GASCOYNE PLACE, 1 GASCOYNE PLACE, SAW CLOSE, BATH**

The Sub-Committee considered the report which sought permission to provide facilities on the highway in respect of Gascoyne Place, 1 Gascoyne Place, Saw Close, Bath.

Mr Wayne Taylor was present, the applicant's business partner. He confirmed he had seen and understood the procedure for the meeting.

The Licensing Officer presented the report and stated that the number of tables applied for had been reduced since last year to 15 but the number of days increased from Sundays only, to Saturdays, Sundays and Bank Holidays. The applicant had agreed to the condition that the permit would only take effect when an official Road Closure Order was in place.

Mr Taylor put his case and was questioned.

Following an adjournment it was

**RESOLVED** that permission be granted, as amended, to provide facilities on the highway in respect of Gascoyne Place, 1 Gascoyne Place, Saw Close, Bath, for 15 tables with appropriate seating, on Sundays and Bank Holidays 11.30am – 9.00pm, subject to the standard terms and conditions and the following special condition:

That tables and chairs should not be placed on the highway unless there was in place a Temporary Road Traffic Regulation Order which closed the area on which the objects were placed.

#### Reasons for decision

Members have determined an application for permission to place tables and chairs on the highway at Gascoyne Place. Members took into account the Local Government (Miscellaneous Provisions) Act 1982, Part VIIA Highways Act 1980 and the Human Rights Act 1998.

Members considered the application, the written objections, listened carefully to the oral representations and balanced the interests of the applicant, objectors and the general public.

Members granted the application as amended for each Sunday and Bank Holiday from 11:30 – 21:00 hrs. Members refused the application for Saturday because they believed Saturdays to be a very busy day with a heavy pedestrian footfall and the use of that area for tables, chairs and the provision of hot food and beverages could pose a health and safety risk to those in the area. The permission was therefore issued as amended with the attachment of the standard conditions and the following additional condition:- tables and chairs should not be placed on the highway unless there was in place a Temporary Road Traffic Regulation Order which closed the area on which the objects were placed.

#### **105 LICENSING PROCEDURE - HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE DRIVER'S HEARING**

**RESOLVED** that the procedure for this part of the meeting be noted.

#### **106 APPROVAL OF VEHICLE FOR PRIVATE HIRE – MR WALDEMAR WYRWOL**

The Sub-Committee considered the report which sought approval of a Peugeot 407 vehicle for use as a Private Hire Vehicle, which fell outside the age requirements as stipulated in the current Private Hire Vehicle Licence Conditions.

The applicant Mr Wyrwol was present. He confirmed he had received and understood the procedure for the meeting.

The Licensing Officer presented the report and stated that the vehicle fell outside of the age requirements, as stipulated in the current Private Hire Vehicle Conditions. He added that Officers could exercise some discretion when the vehicle was between two and five years old. This vehicle was just over five years old, therefore the application was presented to the Sub-Committee for determination.

Members adjourned the meeting to inspect the vehicle, then the meeting continued.

Mr Wyrwol put his case and was questioned.

Following an adjournment it was

**RESOLVED** that the Peugeot 407 not be approved for use as a Private Hire Vehicle.

#### 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 and took account of the inspection by a Licensing Officer and their own inspection of the vehicle that morning. The vehicle fell outside the Council's policy and although Members found the vehicle was suitable in type, size and design, they found it was not suitably comfortable or of good external appearance. This was because there was damage to the front bumper of the vehicle which had not been professionally repaired and it was covered in dents and scratches some of which had appeared subsequent to the Licensing Officer's inspection which were detrimental to the appearance of the vehicle. Members were also concerned about the vehicle's high mileage.

Members therefore applied the Policy and refused the application.

### **107 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 and 2 of Part 1 of Schedule 12A of the Act, as amended."

### **108 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- MR R N**

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

The applicant Mr RN was present. He confirmed he had received 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 RN. The applicant and the officer withdrew from the meeting while Members took some time to consider these documents.

Mr RN 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 RN be granted subject to the standard terms and conditions.

Reasons for the 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 Bureau check, his statement and noted his last offence was in 1988.

Members found Mr RN presented himself very well. Although he had been convicted of a number of serious matters of which they took a dim view, the convictions took place a long time ago and fell well outside the council's policy. In the circumstances Members believe that Mr RN had moved on with his life, as his references testified and therefore found him a fit and proper person to hold a combined Hackney Carriage/Private Hire vehicle driver's licence.

The meeting ended at 11.30 am

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**