

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Tuesday, 9th August, 2016

Present:- Councillors Les Kew (Chair), Caroline Roberts and Peter Turner (in place of Mark Shelford)

Also in attendance: Carrie-Ann Evans (Senior Legal Adviser) and John Dowding (Senior Public Protection Officer)

20 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

21 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor Mark Shelford had sent his apologies to the Sub-Committee. Councillor Peter Turner was present for the duration of the meeting as his substitute.

22 DECLARATIONS OF INTEREST

There were none.

23 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

24 MINUTES OF 12TH JULY 2016

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

25 TAXI PROCEDURE

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

26 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 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 two items 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.

27 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - MR AU

The applicant confirmed that he had received and understood the taxi procedure.

The Senior Public Protection Officer summarised the report and reported that a DBS check on Mr AU had revealed convictions. He circulated the DBS statement and a statement submitted by the applicant. He informed the Sub-Committee that Mr AU had previously held a combined Hackney Carriage/Private Hire licence with the authority between 2005 and 2013 and no complaints were received regarding his conduct during that time. The hearing was adjourned to allow Members time to study the documents.

After the hearing was reconvened, Mr AU explained that he wished to regain his licence to be able to provide for his family. He added that the disclosed convictions all related to food hygiene within a restaurant that he had previously owned.

Councillor Peter Turner asked why he had ceased to have a Hackney Carriage/Private Hire licence in 2013.

Mr AU replied that following the problems at the restaurant he had taken some time off to relax and went to live in Hong Kong for a period of time.

The Chairman asked if he felt stressed currently.

Mr AU replied that he felt good currently and less stressed out as life is much calmer. He added that to regain his licence would be a sign of a new start.

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

Reasons

Members had to determine an application for a 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.

Members had to decide whether or not the applicant was a fit and proper person to hold a licence taking into account all the circumstances.

Members took account of the applicant's written statement and balanced this against the information disclosed on the DBS certificate.

Members noted that BANES' Policy expects that applicants will not have been convicted of an offence during the previous three years however members took into account the nature, seriousness, frequency of offending and any mitigating circumstances put forward and noted that they could depart from the policy if there are good reasons for doing so.

Taking into account the nature of the offences, the fact that Mr AU went through a difficult period during which he overstretched himself leading to the conviction; the fact that he had learnt his lesson and his historic unblemished taxi record, Members were satisfied that there was good reason to depart from the policy and found that Mr AU is a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence.

Accordingly, Mr AU's application for a combined Hackney Carriage/Private Hire Driver's Licence is granted.

28 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - MR ALT

The applicant confirmed that he had received and understood the taxi procedure.

The Senior Public Protection Officer summarised the report and reported that a DBS and DVLA check on Mr ALT had revealed convictions. He circulated the DBS and DVLA statement, a statement submitted by the applicant and references given on his behalf. The hearing was adjourned to allow Members time to study these documents.

After the hearing was reconvened, Mr ALT stated that he had really changed his lifestyle in the past eight years. He said that he was reliable and that having a job as a taxi driver would really suit his family life as the flexibility of the work would allow him to see his daughter at weekends and within school holidays.

Councillor Caroline Roberts asked what changes had he made to his lifestyle.

Mr ALT replied that he no longer drank alcohol and that he had grown up a lot. He added that becoming a father had also changed his outlook on life.

The Chairman asked what the main priorities in his life were now.

Mr ALT replied that his family and child were. He said that he has a big family unit locally and that they spend a lot of time together.

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

Reasons

Members had to determine an application for a 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.

Members had to decide whether or not the applicant was a fit and proper person to hold a licence taking into account all the circumstances.

Members took account of the applicant's written statement, references and balanced these against the information disclosed on the DBS and DVLA certificates.

Members noted from BANES' Policy that it is expected that applicants will not have been convicted of a serious motoring offence during the previous five years and members view a conviction for no insurance as serious. That said, having taken into account the mitigating circumstances surrounding that offence; the fact that save for the no insurance matter he has been conviction free since 2008; the fact that he seems to have changed his ways, become a family man and given up alcohol, Members have been satisfied by Mr ALT that there is good reason to depart from the policy and that he is now a fit and proper person.

Accordingly Mr ALT's application for a combined Hackney Carriage/Private Hire Driver's Licence is granted. Members note however, that they are likely to take a very dim view of any future complaints against Mr ALT for misconduct.

The meeting ended at 11.25 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services