

Licensing Sub-Committee

Date: Thursday, 16th August, 2018

Time: 10.00 am

Venue: Kaposvar Room - Guildhall, Bath

Councillors: Les Kew, Rob Appleyard and Deirdre Horstmann

Chief Executive and other appropriate officers
Press and Public

A briefing session for Members will be held at 9.30am in the room where the meeting is to take place.



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NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

Paper copies are available for inspection at the **Public Access points:-** Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

3. **Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator.

The Council will broadcast the images and sound live via the internet www.bathnes.gov.uk/webcast The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. **Public Speaking at Meetings**

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. They may also ask a question to which a written answer will be given. **Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.** Further details of the scheme:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

5. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are signposted. Arrangements are in place for the safe evacuation of disabled people.

6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

Licensing Sub-Committee - Thursday, 16th August, 2018

at 10.00 am in the Kaposvar Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 5 on the previous page.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* an **other interest**,
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. MINUTES OF PREVIOUS MEETING (Pages 5 - 14)

6. EXCLUSION OF THE PUBLIC

The Committee is asked to consider passing the following resolution:

“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, **RESOLVES** that the public shall be excluded from the remainder of the meeting and that the reporting of the following items of business 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.”

7. TAXI PROCEDURE (Pages 15 - 18)

The Chair will, if required, explain the taxi procedure.

8. CONSIDERATION OF FIT AND PROPER PERSON IN THE ABSENCE OF A VALID DBS CERTIFICATE & FAILURE TO COMPLY WITH REASONABLE REQUEST OF DELEGATED OFFICER - 1600763TAXI (Pages 19 - 40)

9. CONSIDERATION OF FIT AND PROPER PERSON IN THE ABSENCE OF A VALID DBS CERTIFICATE & FAILURE TO COMPLY WITH REASONABLE REQUEST OF DELEGATED OFFICER – 16/00987/TAXI (Pages 41 - 62)

10. CONSIDERATION OF FIT AND PROPER PERSON IN THE ABSENCE OF A VALID DBS CERTIFICATE & FAILURE TO COMPLY WITH REASONABLE REQUEST OF DELEGATED OFFICER – 16/01060/TAXI (Pages 63 - 84)

11. CONSIDERATION OF FIT AND PROPER PERSON IN THE ABSENCE OF A VALID DBS CERTIFICATE & FAILURE TO COMPLY WITH REASONABLE REQUEST OF DELEGATED OFFICER – 16/00890/TAXI (Pages 85 - 106)

12. CONSIDERATION OF FIT AND PROPER PERSON IN THE ABSENCE OF A VALID DBS CERTIFICATE & FAILURE TO COMPLY WITH REASONABLE REQUEST OF DELEGATED OFFICER – 16/01064/TAXI (Pages 107 - 128)

13. CONSIDERATION OF FIT AND PROPER PERSON IN THE ABSENCE OF A VALID DBS CERTIFICATE & FAILURE TO COMPLY WITH REASONABLE REQUEST OF DELEGATED OFFICER – 16/00286/TAXI (Pages 129 - 150)

The Committee Administrator for this meeting is Sean O'Neill who can be contacted on 01225 395090.

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Wednesday, 27th June, 2018, 10.00 am

Councillors: Les Kew (Chair), Deirdre Horstmann and Will Sandry

Officers in attendance: Carrie-Ann Evans (Deputy Team Leader (Barrister)), John Dowding (Senior Public Protection Officer), Terrill Wolyn (Senior Public Protection Officer) and Ian Nash (Public Protection Officer (Licensing))

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised those present of the procedure.

2 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3 DECLARATIONS OF INTEREST

There were none.

4 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

5 MINUTES : 26TH APRIL 2018

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

6 EXCLUSION OF THE PUBLIC

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, **RESOLVED** that the public shall be excluded from the meeting for agenda item 8, and that the reporting of that item 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.

7 TAXI PROCEDURE

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

8 APPLICATION FOR COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

Application reference: 18/00496/TAXI

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

The Senior Public Protection Officer presented the report, and provided Members with copies of a Disclosure and Barring Service certificate relating to the Applicant, a written statement from him and two references. The hearing was adjourned to allow Members time to study these documents.

After the adjournment the applicant stated his case and was questioned by Members.

Following a further adjournment the Sub-Committee **RESOLVED** that the applicant was a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence, and delegated authority to the Licensing Officer to issue the licence, subject to the satisfactory completion of the remaining stages of the licensing process.

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.

The applicant stated that his convictions were a long time ago when he exercised bad judgment and is something he regrets. He explained that he has had twenty years in the work place since without any problems and that he now has a clean driving licence.

Members took account of the applicant's oral representations, his written statement, references and balanced these against the information contained in the Disclosure and Barring Service Certificate.

Members noted that the applicant had remained conviction free for well in excess of the period expected in the policy and had positive references from two senior colleagues at his current employer who spoke of his pleasant nature, reliability, honesty and professionalism.

In all the circumstances Members find the applicant to be a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence as he has remained conviction free for some time and it is evident from his references that he has the qualities that members would expect from a combined Hackney Carriage/Private Hire licensed driver.

Authority is delegated to the public protection officer to issue the licence subject to the applicant completing all steps required by the licencing process.

9 LICENSING ACT PROCEDURE

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

10 APPLICATION FOR A PREMISES LICENCE FOR THE SPIRIT OF THE HORSE, BIG TOPS, FRONT TRIANGLE, BATH RACECOURSE, LANSDOWN, BATH BA1 9BU

Applicant: Equestrian Theatre Ltd, represented by Neville Wilson

Responsible Authority: Avon and Somerset Police, represented by Paul Kendall
(Police Licensing Officer)

The Senior Public Protection Officer presented the report.

Mr Wilson stated the case for the applicant. He said that the applicant had organised this kind of show on many occasions in the UK, including in most of the London Boroughs. It was not a “booze-up”, but an entertainment for families. Parents would be able to go to the designated area and purchase an alcoholic drink before the show and during the interval, just as in a theatre bar. Only holders of a ticket for the performance would have access to the bar, which would be located in the foyer, where a variety of other items would also be for sale.

The Chair asked what would be available in the bar. Mr Wilson said there would be no draught beer, but bottled beers, wines and spirits.

Mr Kendall stated the case for the Police. He said that in the view of the Police the conditions in the operating schedule were not specific enough to be enforced. The police had therefore proposed conditions addressing each of the four licensing objectives, as set out on pages 62-63 of the agenda. Discussions had been held with the applicant, who had agreed to accept these conditions.

In response to a question from the Chair Mr Wilson confirmed that the applicant was willing to accept the conditions proposed by the Police.

A Member asked Mr Wilson whether staff training records would be actually kept at the premises, as one of the Police conditions would require. Mr Wilson replied that this is done as a matter of course and there is no problem about it, because staff are employees of the applicant and not casuals.

The Senior Public Protection Officer suggested that part of the condition proposed by the Police that “... the DPS will ensure that all staff are trained in implementing ‘Challenge 25’ was otiose because there is already a mandatory condition to this effect. The Chair responded that the Sub-Committee would consider this during the adjournment.

Neither party wished to sum up.

Following an adjournment, the Sub-Committee **RESOLVED** to grant the application, subject to the conditions detailed below. Authority was delegated to the Public Protection Officer to issue the licence.

Full Decision and Reasons

Members have had to determine an application for a new Premises Licence for Spirit of the Horse, Big Tops, Front Triangle, Bath Racecourse, Lansdown, Bath, BA1 9BU. In doing so, they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council’s Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and they must only do what is appropriate and proportionate in the promotion of the licensing objectives based on the information put before them. Members noted that each application is considered on its own merits.

Members were careful to take account of the relevant written and oral representations made and were careful to balance their competing interests. Members were however careful to disregard irrelevant matters.

The Applicant

Mr Wilson on behalf of the applicant addressed members and indicated that the Spirit of the Horse is about the theatre rather than the consumption of alcohol.

The Applicant confirmed in writing (Annex D to the report to Committee) and Mr Wilson confirmed verbally that they agreed to all of the measures recommended by the Police in their written representations regarding the proposed Premises Licence.

The Interested Parties

There were no objections from interested parties.

Responsible Authorities

A representation had been received from the Police expressing concern that although the event itself is relatively low risk the applicant's proposals failed to adequately promote all four of the licensing objectives due to the steps offered in the application form being ambiguous, non-specific and in the police's view, unenforceable. Consequently, the police recommended additional measures to mitigate those concerns and those were set out in Annex C to the report. The Police confirmed by e-mail that they were proposing a Challenge 25 policy for the avoidance of any doubt and 2 SIA trained security staff.

In oral submissions to the Committee, Mr Kendall (Police Licensing Officer) on behalf of Mr Cannon confirmed the measures that they had already set out in writing.

Members

In reaching their decision Members noted that in relation to paragraph 9.42 of the Statutory Guidance their determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what is intended to be achieved.

Members carefully considered the representations made on behalf of the Applicant and the Police.

Members noted the Applicant had agreed in writing (Annex D to the report) and verbally to all the measures proposed by the Police (Annex C to the report) in the promotion of all four of the licensing objectives, albeit there was some overlap in what was suggested by the police, what was offered by the applicant in their operating schedules and what would be a mandatory condition if the licence is granted.

Members considered that any effect of the Premises Licence on the licensing objectives would be addressed by the conditions consistent with the proposed operating schedule and the additional conditions proposed by the Police (as clarified in relation to 2 SIA trained security staff and the challenge 25 policy) which members found to be appropriate and proportionate.

Accordingly, members resolved to approve the application subject to the mandatory conditions, conditions consistent with the operating schedule and conditions proposed by the Police across which there should be no duplication and with the mandatory conditions taking precedence.

Authority was delegated to the Public Protection Officer to issue the licence.

11 TABLES AND CHAIR PROCEDURE

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

12 APPLICATION FOR PERMISSION TO PROVIDE FACILITIES ON THE HIGHWAY FOR RECREATION/REFRESHMENT AT HANDS TEAROOM, 1 ABBEY STREET, BATH BA1 1NN

Applicant: Hands Tea Room, represented by Laurence Swan (owner)

Objector: Highway Maintenance, represented by George Bottin (Principal Engineer Highway Maintenance & Improvement)

The parties confirmed that they understood the procedure to be followed for the hearing.

The Licensing Officer presented the report. Highways had submitted additional information before the hearing, comprising 2 extracts from the London Gazette of 1966 and 1967 about a local traffic order and photographs. The Applicant had

submitted additional information before the hearing comprising photographs and written representations.

Mr Swan stated the case for the applicant. He said that he was the owner of Hands Georgian Tea Room and of the Bath Bun in Abbey Green and was a standing member of Bath Business Improvement District and ran the Abbey Trader's Association. He said that the area around the Tea Room had been blighted by the redevelopment in the Abbey Area and the complete closure of York Street, which he understood was going to be rebuilt. Traders wished to find ways of reanimating the area by increasing its attractiveness. He thought that locating tables and chairs outside the Tea Room would help to do this. At present Abbey Street, in which the Tea Room was located, was closed from York Street to Abbey Green. There had been bollards at the York Street end, since 1966 and now there were bollards across York Street at the Junction with Stall Street. Upper Borough Walls was also closed to traffic from 10:00 to 17:00. Mr Swan referred to an occasion in July when a lady had fallen outside the Crystal Palace public house and medical staff had been able to attend her after parking their vehicle near to the bollards in York Street, showing, he submitted, that there was adequate access for emergency vehicles. He said that vehicles had occasionally been parked in York Street, having gained access to Abbey Street before 10:00. He said that he was confident that Hands Tea Room would be able to comply with the terms of tables and chairs permit, if granted, as he already has a permit for the Bath Bun. He referred to the photographs submitted by Highways showing an Openreach van in the area where he proposed to site the tables and chairs, and said that he not witnessed vehicles parked there on more than four occasions during the time that he had been there.

A Member asked whether the tables and chairs area outside Hands would be surrounded a barrier. Mr Swan said that he would like the area to be surrounded by a small barrier to control the flow of customers to the tables and chairs and so reduce risk.

In reply to questions from the Chair Mr Swan stated:

- a full menu would be available, cold and cooked, including baguettes, cream teas and hot and cold drinks; high teas are very popular
- the premises did hold an alcohol licence, but alcohol sales are very small; he understood that alcohol could not be served outside
- there would be waitress service to the outside area

Mr Bottin presented his case. He said that objections to the application had been raised by an officer in his team who was very familiar with the location. The ground of the objection was that the existing traffic regulation order made exemptions for vehicles connected with building works and like operations, the removal of obstructions and road works, and for statutory undertakers and emergency services. Therefore there are a number of parties who have vehicle access rights to the location. The control measure relating to the rising bollard also contains exemptions for a number of parties, including those mentioned above. Even though the location is situated in a cul-de-sac, exempted vehicles still have rights of access to it, so there are potential conflicts. An officer had visited the location and taken photographs of

vehicles making deliveries and undertaking work there. Therefore a tables and chairs permit for the location would be in conflict with the existing traffic regulation order and raise safety concerns.

In response to questions from Members Mr Bottin stated:

- it was impossible to predict how often exempted vehicles would require access to the area
- he could not explain why none of the bodies whose vehicles were exempted from the order had submitted objections.

Mr Swan asked Mr Bottin if he agreed that ambulances were too wide to enter the street. Mr Bottin said this was a valid point. He had made some enquiries and understood from Parks that the flower pole planters in the street had been authorised by Highways.

The Chair asked Mr Swan how quickly the tables and chairs could be moved. Mr Swan said this could be done in under ten minutes.

The Chair asked Mr Bottin what major problems might occur if the permit were granted. Mr Bottin replied that as senior Highways officer he saw it as his responsibility to assert the rights of the users of the highway in the light of the Traffic Regulation Order in place. If in future the exemptions were removed by due process, as had happened at other locations, he would not object to the application.

The parties summed up.

Mr Bottin said that there was a Traffic Regulation Order in place and that that if the permit were granted it could impact on the efficient operation of emergency vehicles.

Mr Swan said that there were already fixed obstructions in place that would impact on the operation of emergency vehicles.

Following an adjournment the Sub-Committee resolved to delegate to the Public Protection Officer authority to issue the permit with the standard terms and conditions.

Reasons

Members have had to determine an application to place 4 tables along with 16 chairs on the highway outside of the premises at 1 Abbey Street, Bath, BA1 1NN. In doing so they took account of the Highways Act 1980 and the Human Rights Act 1998 and balanced the representations from the Highways Department against the application.

In reaching a determination members had to decide whether the application was likely to obstruct the free passage of pedestrians, cause a public nuisance in highway terms or be a hazard in its real sense.

Members had regard to the oral representations and additional written representations of the Applicant Mr Laurence Swan. Mr Swan addressed the objection from the Highways Department saying that the purpose behind the

application was to animate the area and bring footfall. He said that since he had been there he has not seen traffic driving up and down the highway upon which he proposed to locate the tables and chairs and noted that there were bollards in place at either end of that area. It was his submission that fire engines and ambulances are too wide to be able to get through because of the bollards that were in situ. Mr Swan indicated that they had done risk assessments related to the safe use of the proposed tables and chairs. In response to the photographs from the Highways Department showing the BT Openreach van in the area where the tables and chairs are proposed to be sited, he expressed the view that this was an anomaly that he had observed only 4 times in the 20 years he had been at the premises. On questioning, Mr Swan indicated that in an emergency he thought they could remove the tables and chairs in a matter of minutes.

Members had regard to the written objection from Highways Department as well as two photographs illustrating a BT Openreach van and the two extracts from the London Gazette related to the Traffic Order. Members also heard the oral representations of George Bottin Principal Engineer Highways Maintenance and Improvement from the Highways Department who said that the objection related to the Traffic Order which came into force on 6th February 1967. The Traffic Order provided for a number of parties to still have vehicular access to the relevant section of Abbey Street being vehicles used in connection with building and the like operations; removing obstructions; road works; statutory undertakers' works; and fire brigade; ambulance or police purposes. In summary, his submission was that there would be a conflict between the Traffic Order and the proposed tables and chairs which he thought could have safety implications for people using that street.

Mr Swan questioned Mr Bottin regarding the width of an ambulance which Mr Swan submitted was 2.5 metres wide and a Fire Engine which he suggested is bigger whereas the bollard that was in place restricts the highway width to 2 metres. Mr Bottin seemed to accept that that may be so. Mr Bottin did say in addressing the committee that he was looking into the siting of the single bollard at the Abbey Green end of the proposed area.

Members carefully weighed in the balance the representations of the Highways Department and the Applicant and in the exercise of their discretion decided to grant the application as they did not find that it was likely to obstruct the free passage of pedestrians, cause a public nuisance in highways terms or be a hazard in its real sense. Their reasons for this included the fact that:

- Under section 115E of the Highways Act they may grant permission for facilities on the highway where a traffic order is in place even where that order still permits certain classes of vehicle to use the highway (section 115A applies).
- They noted that pedestrians should be able to pass and re-pass without obstruction on the pavements either side of the area where it is proposed to site the tables and chairs
- They noted the presence and layout of permanent bollards at either end of the proposed location of the tables and chairs

- They noted that it would be a standard condition of the permit that the holder should not cause any unnecessary obstruction of the highways or danger to persons using it and should not permit persons to gather so as to cause a nuisance or annoyance or danger to any person lawfully using the highway and that any breach of such condition may be dealt under section 115K of Highways Act 1980.

Authority is delegated to the Public Protection Officer to issue the permit with the attachment of the standard terms and conditions.

The meeting ended at 12.19 pm

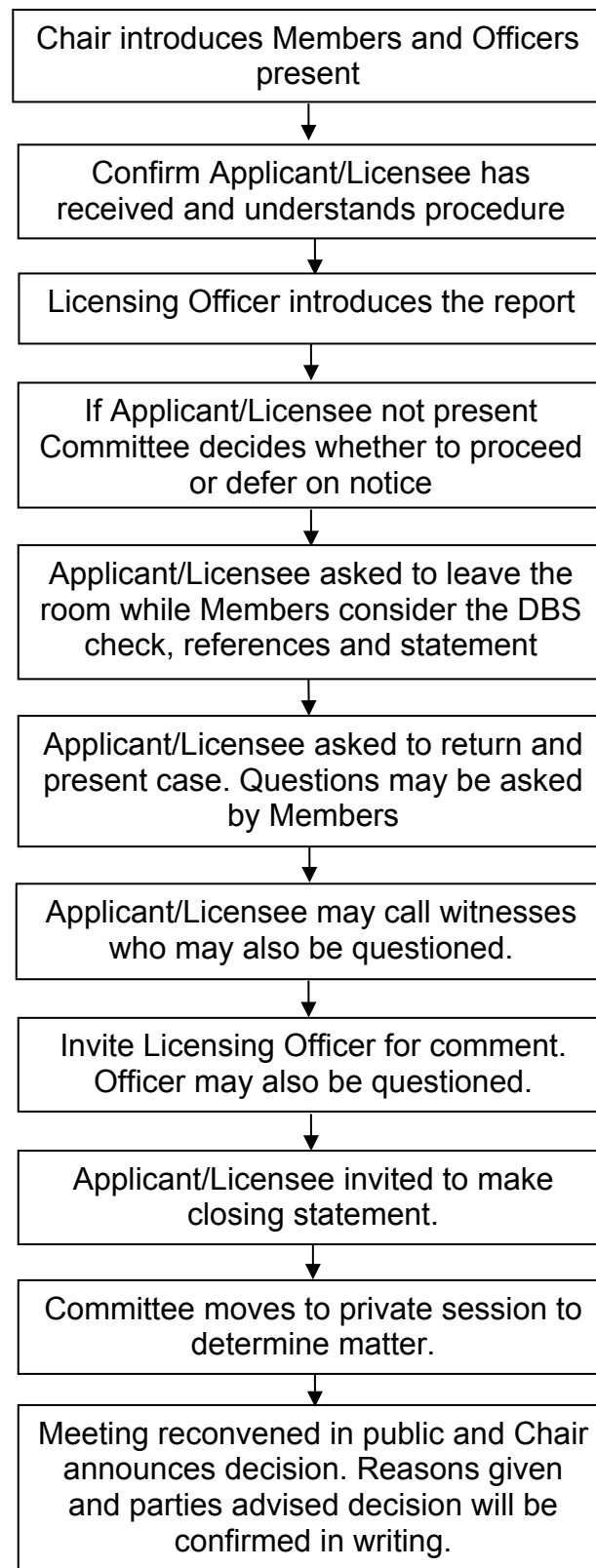
Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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**LICENSING SUB-COMMITTEE
HACKNEY CARRIAGE (TAXI) AND
PRIVATE HIRE VEHICLES DRIVERS' LICENCE PROCEDURE**



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**Licensing Sub Committee
Hackney Carriage (taxi) and Private Hire
Driver Application Procedure**

1. The Chair will introduce Members of the Committee, introduce the Officers present, explain the procedure to be followed and ensure those present have received and understood that procedure.
2. The Licensing Officer will outline the nature of the matter to be considered by the Committee.
3. The Applicant, representative and/or witness is asked to leave the room while the Committee consider the Disclosure and Barring Service report, references and statement.
4. The Applicant, representative and/or witness returns and presents the case to the Committee.
5. The Applicant may be questioned about the matter by the Committee.
6. The Applicant may call witnesses in support of their application and each witness may be asked questions.
7. The Chair will ask the Licensing Officers present whether they wish to comment. If an Officer makes comment they may be asked questions.
8. The Applicant will be invited to make a closing statement.
9. The Chair will invite the Committee to move into private session to enable the Members to deliberate in private. The Committee will reconvene publicly if clarification of evidence is required and/or legal advice is required. The Committee may retire to a private room, or alternatively require vacation of the meeting room by all other persons.
10. Whilst in deliberation the Committee will be accompanied by Legal and Democratic Services Officers for the purpose of assisting them in drafting their reasoning for the decision.
11. The Committee will reconvene the meeting and the Chair will announce the Committee's decision with reasons and advise that the decision will be released in writing within the statutory time limits.

Updated November 2013

PLEASE NOTE:

- Where the Committee considers it necessary the procedure may be varied.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence or defer to the next meeting. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations will be considered.
- Only in **exceptional circumstances** will the Committee take account of additional late documentary or other information and will be at the discretion of the Chair and on notice to all the other parties. No new representations will be allowed at the hearing.
- The Committee will disregard all information or representations considered irrelevant.
- The hearing will take the form of a discussion. The Committee will allow parties to the proceedings to ask questions. Formal cross examination will be discouraged and, should they be necessary, supplementary questions allowed for clarification purposes only.
- Parties will have an equal amount of time to present their cases. Whilst time limits are at the Chair's discretion, in the interests of cost and efficiency, presentations will not normally exceed **twenty minutes** to include summarising the case. Time limits will not include the time taken for questions.

N.B.

1. Where there is more than one party making relevant representations the time allocated will be split between those parties.
 2. Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and to make the most efficient use of the allocated time.
 3. Where an objection is made by an association or local residents group, a duly authorised person – as notified to the Licensing authority – may speak on behalf of that association or local residents group.
- The Chair may request that persons behaving in a disruptive manner should leave the hearing and their return refused, or allowed subject to conditions. An excluded person is however, entitled to submit the information they would have been entitled to present had they not been excluded.
 - Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion. On occasion however, it may be necessary to exclude members of the press and public pursuant to the Local Government Act 1972 Schedule 12 (a). In those circumstances reasons for such decisions will be given.
 - If a person has special needs regarding access, hearing or vision, this should be brought to the Licensing Authority's attention prior to the hearing so that reasonable adjustments may be made.

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 1311/18

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 16th August 2018

Author: John Dowding

Exempt Report Title: Consideration of fit and proper person in the absence of a valid DBS certificate & failure to comply with a reasonable request of Delegated Officer

Exempt Appendix Title(s):

Exempt Annex A – Current Combined Hackney Carriage/Private Hire Drivers Licence
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Exempt Annex B – Letter sent January 2018.

Exempt Annex C – Letter sent June 2018.
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Exempt Annex D - Policy on Hackney Carriage and Private Hire Licensing Standards – Drivers, Vehicles and Operators

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

- | |
|---|
| <ol style="list-style-type: none"> 1. Information relating to any individual 2. Information which is likely to reveal the identity of an individual 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information) |
|---|

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972. The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 2018 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any information revealed by the Disclosure and Barring Service (DBS) is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the backgrounds of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand. The Council considers that the public interest is in favour of not holding this matter in open session at this time and that any reporting on the meeting is prevented in accordance with Section 100A(5A)

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 1310/18

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 16th August 2018

Author: John Dowding

Exempt Report Title: Consideration of fit and proper person in the absence of a valid DBS certificate & failure to comply with a reasonable request of Delegated Officer

Exempt Appendix Title(s):

Exempt Annex A – Current Combined Hackney Carriage/Private Hire Drivers Licence
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Exempt Annex B – Declaration of Understanding.

Exempt Annex C – Letter sent June 2018.
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Exempt Annex D - Policy on Hackney Carriage and Private Hire Licensing Standards – Drivers, Vehicles and Operators

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

- | |
|---|
| <ol style="list-style-type: none"> 1. Information relating to any individual 2. Information which is likely to reveal the identity of an individual 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information) |
|---|

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972. The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 2018 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any information revealed by the Disclosure and Barring Service (DBS) is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the backgrounds of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand. The Council considers that the public interest is in favour of not holding this matter in open session at this time and that any reporting on the meeting is prevented in accordance with Section 100A(5A)

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 1293/18

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 16th August 2018

Author: John Dowding

<p>Exempt Report Title: Consideration of fit and proper person in the absence of a valid DBS certificate & failure to comply with a reasonable request of Delegated Officer</p>
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<p>Exempt Appendix Title(s):</p>

<p>Exempt Annex A – Current Combined Hackney Carriage/Private Hire Drivers Licence</p>

<p>Exempt Annex B – Letter sent January 2018.</p>
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<p>Exempt Annex C – Letter sent June 2018.</p>

<p>Exempt Annex D - Policy on Hackney Carriage and Private Hire Licensing Standards – Drivers, Vehicles and Operators</p>
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The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

<p>Stating the exemption:</p>

- | |
|---|
| <ol style="list-style-type: none"> 1. Information relating to any individual 2. Information which is likely to reveal the identity of an individual 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information) |
|---|

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972. The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 1998 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any information revealed by the Disclosure and Barring Service (DBS) is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the backgrounds of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand. The Council considers that the public interest is in favour of not holding this matter in open session at this time and that any reporting on the meeting is prevented in accordance with Section 100A(5A)

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 1316/18

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 16th August 2018

Author: John Dowding

Exempt Report Title: Consideration of fit and proper person in the absence of a valid DBS certificate & failure to comply with a reasonable request of Delegated Officer

Exempt Appendix Title(s):

Exempt Annex A – Current Combined Hackney Carriage/Private Hire Drivers Licence
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Exempt Annex B – Letter sent January 2018.

Exempt Annex C – Letter sent June 2018.
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Exempt Annex D - Policy on Hackney Carriage and Private Hire Licensing Standards – Drivers, Vehicles and Operators

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

- | |
|---|
| <ol style="list-style-type: none"> 1. Information relating to any individual 2. Information which is likely to reveal the identity of an individual 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information) |
|---|

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972. The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 2018 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any information revealed by the Disclosure and Barring Service (DBS) is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the backgrounds of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand. The Council considers that the public interest is in favour of not holding this matter in open session at this time and that any reporting on the meeting is prevented in accordance with Section 100A(5A)

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 1221/18

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 3rd August 2018

Author: John Dowding

Exempt Report Title: Consideration of fit and proper person in the absence of a valid DBS certificate & failure to comply with reasonable request of Delegated Officer

Exempt Appendix Title(s):

Exempt Annex A – Current Combined Hackney Carriage/Private Hire Drivers Licence

Exempt Annex B – Letter sent January 2018.

Exempt Annex C – Letter sent June 2018.

Exempt Annex D - Policy on Hackney Carriage and Private Hire Licensing Standards – Drivers, Vehicles and Operators

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report and appendices be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972. The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 1998 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any information revealed by the Disclosure and Barring Service (DBS) is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the backgrounds of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand. The Council considers that the public interest is in favour of not holding this matter in open session at this time and that any reporting on the meeting is prevented in accordance with Section 100A(5A)

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 1334/18

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 16th August 2018

Author: John Dowding

Exempt Report Title: Consideration of fit and proper person in the absence of a valid DBS certificate & failure to comply with a reasonable request of Delegated Officer

Exempt Appendix Title(s):

Exempt Annex A – Current Combined Hackney Carriage/Private Hire Drivers Licence
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Exempt Annex B – Letter sent January 2018.

Exempt Annex C – Letter sent June 2018.
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Exempt Annex D - Policy on Hackney Carriage and Private Hire Licensing Standards – Drivers, Vehicles and Operators

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

- | |
|---|
| <ol style="list-style-type: none"> 1. Information relating to any individual 2. Information which is likely to reveal the identity of an individual 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information) |
|---|

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972. The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 2018 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any information revealed by the Disclosure and Barring Service (DBS) is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the backgrounds of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand. The Council considers that the public interest is in favour of not holding this matter in open session at this time and that any reporting on the meeting is prevented in accordance with Section 100A(5A)

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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