

# **BATH AND NORTH EAST SOMERSET COUNCIL**

## **LICENSING SUB-COMMITTEE**

Thursday, 31st January, 2019, 10.00 am

**Councillors:** Les Kew (Chair), Rob Appleyard and Deirdre Horstmann

**Officers in attendance:** Carrie-Ann Evans (Deputy Team Leader (Barrister)) and John Dowding (Senior Public Protection Officer)

### **50 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer advised the meeting of the procedure.

### **51 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

### **52 DECLARATIONS OF INTEREST**

Councillor Appleyard declared a non-disclosable non-pecuniary interest in relation to agenda item 7 in the taxi application in that he had encountered the applicant while the latter was engaged in his previous business. He said that this would not affect his determination of the application.

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

There was none.

### **54 EXCLUSION OF THE PUBLIC**

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 Sub-Committee **RESOLVED** that the public should be excluded from the meeting for agenda item 7 and that the reporting of this part 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.

### **55 TAXI PROCEDURE**

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

### **56 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- 18/01983/TAXI**

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

The Senior Public Protection Officer presented the report and provided Members with copies of a DBS certificate in respect of the applicant and of a statement

submitted by him. The hearing was adjourned to allow Members time to study these documents.

After the hearing had been reconvened, 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 Private Hire/Hackney Carriage Driver's Licence and that authority is delegated to the licencing officer to issue the licence, subject to the applicant completing all steps required by the licencing 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 conviction prompted him to seek help for his alcohol consumption. This culminated in him attending Alcoholics Anonymous and he had worked through the 12 step programme and had been sober for 5 and a half years. He now helps other people who have problems with addiction and continues to attend meetings on a weekly basis for himself. He explained to Members difficult situations that he has had to work through whilst sober, how much he has changed for the better and how he has managed without turning to alcohol. The applicant described the commitment within his immediate family unit to support and care for each other.

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

Members noted that the applicant had remained conviction free for in excess of the five year period expected in the policy for a previous conviction of this nature and that he has ongoing support systems in place. Members found that the applicant came across as very responsible and respectable and noted that he holds a clean DVLA licence. In those circumstances Members find the applicant to be a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence and that he has the qualities that members would expect of a licensee.

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

The meeting ended at 11.45 am

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**