

# **BATH AND NORTH EAST SOMERSET COUNCIL**

## **LICENSING SUB-COMMITTEE**

Thursday, 7th November, 2019, 10.00 am

**Councillors:** Manda Rigby (Chair), Michael Evans (in place of Sally Davis) and Steve Hedges

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

### **48 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer advised the meeting of the procedure.

### **49 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Cllr Sally Davis, for whom Cllr Michael Evans substituted.

### **50 DECLARATIONS OF INTEREST**

There were none.

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

There was none.

### **52 MINUTES OF PREVIOUS MEETING: 26 SEPTEMBER 2019**

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

### **53 EXCLUSION OF THE PUBLIC**

Having been satisfied that the public interest would be better served by not disclosing relevant information, the Sub-Committee, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, **RESOLVED** that the public should be excluded from the meeting for agenda item 8, and that the reporting of that part of the meeting should be prevented under Section 100A(5A), because of the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Act, as amended.

### **54 TAXI PROCEDURE**

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

### **55 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - 19/00165/TAXI**

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

The Senior Public Protection Officer presented the report. He reported that as part of the licence renewal process a DBS check had been undertaken and had revealed that the licence holder had received a police caution soon after he had first been granted his licence. The licence holder claimed that he had written to the Licensing office to report the receipt of the caution, but there was no record of this. Members were provided with copies of the DBS certificate and of a statement submitted by the licence holder. The hearing was adjourned to allow Members time to study these documents.

After the adjournment the licence holder stated his case and was questioned by Members. The applicant made a closing statement.

Following a further adjournment the Sub-Committee **RESOLVED** that the licence holder was a fit and proper person to hold a combined Hackney Carriage/Private Hire driver's licence, but gave him a warning as to this future conduct. Authority was delegated to the Public Protection Officer to issue the licence, subject to the satisfactory completion of the remaining stages of the licensing process.

#### Decision and reasons

Members have had to consider a renewal application for a combined Hackney Carriage/Private Hire Driver's licence in light of the contents of a Disclosure and Barring Service certificate. In doing so Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

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

Members heard that the applicant had received a Police Caution shortly after the grant of his Hackney Carriage/Private Hire Driver's Licence in 2016 in relation to an incident of shoplifting which took place some months prior.

Members noted that the applicant should have notified the Council within 7 days of receipt of the caution. The applicant indicated to members that he had given notice in writing by First Class post but never received a response from the Council. The Council has no record of having received such notification.

The Council's Policy includes an expectation that an applicant will not have been cautioned for an offence during the previous two years. Members noted that this caution was over three years ago and the offending behaviour was nearly four years ago. In the light of this and based on what Members had heard and read, they consider the applicant to be a fit and proper person to hold a combined hackney Carriage/Private Hire Driver's licence.

Authority was therefore delegated to the Public Protection Officer to issue the licence subject to satisfactory completion of the licensing process.

That said Members gave the applicant a warning in relation to his future conduct and note that it is the responsibility of a BANES licensed driver to comply with the conditions and obligations of their licence.

In this instance, on balance, members determined the applicant to be fit and proper on the information before them which did not include a copy of the letter the applicant claimed he sent to the council regarding his caution. Going forward the applicant was advised to retain records of any and all correspondence with the council in the interests of all parties in order to facilitate the resolution of any issues arising.

The meeting ended at 11.25 am

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**