

# Licensing Sub-Committee

**Date: Thursday, 23rd September, 2021**

**Time: 10.00 am**

**Venue: Kaposvar Room - Guildhall, Bath**

**Councillors:** Rob Appleyard, Steve Hedges and  
Karen Warrington

Chief Executive and other appropriate officers  
Press and Public

**A briefing session for Members will be held  
at 9.30am.**



**Mark Durnford**

**Democratic Services**

Lewis House, Manvers Street, Bath, BA1 1JG

Telephone: 01225 394458

Web-site - <http://www.bathnes.gov.uk>

E-mail: [Democratic\\_Services@bathnes.gov.uk](mailto:Democratic_Services@bathnes.gov.uk)

## NOTES:

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

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

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. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

The Council will broadcast the images and sounds live via the internet [www.bathnes.gov.uk/webcast](http://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.

**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 can be found at:

<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, 23rd September, 2021**

**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 MEETINGS: 12TH AUGUST 2021 & 19TH AUGUST 2021  
(Pages 5 - 16)

6. LICENSING PROCEDURE (Pages 17 - 20)

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

7. EXCLUSION OF THE PUBLIC

The Sub-Committee is asked to consider passing the following resolution:

“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, **RESOLVES**

that the public shall be excluded from the meeting for the following item(s) 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.

8. CONSIDERATION OF FIT AND PROPER - 18/04065/TAXI (Pages 21 - 182)

The Committee Administrator for this meeting is Mark Durnford who can be contacted on 01225 394458.

**BATH AND NORTH EAST SOMERSET**

**LICENSING SUB-COMMITTEE**

Thursday, 12th August, 2021

**Present:-** Councillor Rob Appleyard (Chair), Councillor Steve Hedges and Councillor Sally Davis

**Also in attendance:** John Dowding (Lead Officer - Licensing) and Shaine Lewis (Team Leader, Legal Services)

**31 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer advised the meeting of the procedure.

**32 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

**33 DECLARATIONS OF INTEREST**

There were none.

**34 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

**35 MINUTES OF PREVIOUS MEETING: 29TH JULY 2021**

These were approved as a correct record.

**36 LICENSING PROCEDURE**

The Chairman explained the procedure to be followed for the meeting.

**37 EXCLUSION OF THE PUBLIC**

The members of the Sub-Committee agreed that they were 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. They **RESOLVED** that the public should be excluded from the meeting for the following item(s) 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.

## 38 CONSIDERATION OF IMPACT OF MEDICAL DIAGNOSIS - 19/00946/TAXI

The Lead Officer - Licensing presented the report to the Sub-Committee. He explained that the report invited the Members to consider whether the Licensee concerned remains fit and proper to hold a combined Hackney Carriage/Private Hire Driver's licence following the disclosure of a medical condition.

The Licensee addressed the Sub-Committee and said that since June he has been keeping both an electronic and paper record of his blood sugar levels in relation to his diabetes.

The Licensee asked how soon after the 3-month process would he be able to drive again.

The Lead Officer – Licensing replied that providing the report from the Diabetic Consultant gives approval to resume driving and is received by the Council, the licence would be reinstated straight away.

### Decision and Reasons

Members have had to consider whether or not a licensee is fit and proper to continue to hold a combined Hackney Carriage/Private Hire Driver's Licence in light of the disclosure of a medical condition. In doing so Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law, Council's Policy, conditions and the linked DVLA guidance.

Members reminded themselves that each case is considered on its own merits and regarding medical fitness the licensee must meet the higher standard of medical fitness for Group 2 (Vocational). Members primary consideration is public safety.

Members heard from the licensee that he had voluntarily ceased driving licensed vehicles following a diagnosis of diabetes. Since then, he has been recording his blood sugar levels and is awaiting the conclusion of the 3-month process and an appointment with the consultant.

Members noted the conditions attached to a Combined Hackney Carriage/Private Hire Driver's licence recommend a licensee should cease driving and the licence be immediately revoked on public safety grounds. Members also note, however, that the DVLA guidance, updated in March 2021, contains a 3-stage process which must be completed before a licensee may resume driving. Members have real concerns around public safety and have considered immediate revocation. They note, however, that the licensee has embarked on the DVLA process and is pending the end of the process.

In the circumstances Members find it reasonable and proportionate to follow the latest DVLA guidance and depart from their Policy. Accordingly, Members suspend the licence until the satisfactory conclusion of the 3-stage process. Authority is delegated to the Licensing Officer to reinstate the licence on receipt of satisfactory consultant report and issue future licences on a 12 monthly basis subject to satisfactory medical reports.

## 39 CONSIDERATION OF IMPACT OF MEDICAL DIAGNOSIS - 19/01164/TAXI

The Lead Officer – Licensing informed the Sub-Committee that the licensee would not be attending the meeting.

As the licensee was not present Members had to consider whether to continue in their absence. The Members resolved to proceed in their absence.

The Lead Officer - Licensing presented the report to the Sub-Committee. He explained that the report invited the Members to consider whether the Licensee concerned remains fit and proper to hold a combined Hackney Carriage/Private Hire Driver's licence following the disclosure of a medical condition.

### Decision and Reasons

Members have had to consider whether or not a licensee is fit and proper to continue to hold a combined Hackney Carriage/Private Hire Driver's Licence in light of the disclosure of a medical condition. In doing so Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law, Council's Policy, conditions and the linked DVLA guidance.

Members reminded themselves that each case is considered on its own merits and regarding medical fitness the licensee must meet the higher standard of medical fitness for Group 2 (Vocational) drivers. Members primary consideration is public safety.

Members heard from the licensing officer that the licensee had consented to the matter being dealt with in his absence and that he had voluntarily ceased driving licensed vehicles following a diagnosis of diabetes. Further, the licensee had voluntarily surrendered his licence. In all the circumstances, including an email from the licensee consenting to the matter being dealt with in absence Members resolved to determine the matter in absence.

Members noted the conditions attached to a Combined Hackney Carriage/Private Hire Driver's licence recommend immediate revocation of a licence on public safety grounds in these circumstances. Members also note, however, that the DVLA guidance, updated in March 2021, contains a 3-stage process which must be completed before a licensee may resume driving. Members gave credit to the licensee for surrendering his licence and in all the circumstances find it reasonable and proportionate to follow the DVLA guidance and depart from their Policy.

Accordingly, Members suspend the licence until the satisfactory conclusion of the 3-stage process. Authority is delegated to the Licensing Officer to reinstate the licence on receipt of satisfactory consultant report and issue future licences on a 12 monthly basis subject to satisfactory medical reports.

The meeting ended at 10.40 am

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

## **BATH AND NORTH EAST SOMERSET**

### **LICENSING SUB-COMMITTEE**

Thursday, 19th August, 2021

**Present:-** Councillors Rob Appleyard (Chair), Michael Evans and Steve Hedges

**Also in attendance:** Geoff Cannon (Public Protection Officer (Licensing)) and Rebecca Jones (Deputy Team Leader, Legal Services)

#### **40 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer advised the meeting of the procedure.

#### **41 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

#### **42 DECLARATIONS OF INTEREST**

There were none.

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

There was none.

#### **44 LICENSING PROCEDURE**

The Chairman explained the procedure to be followed for the meeting.

#### **45 APPLICATION: BATH REGGAE FESTIVAL**

The Public Protection Officer, Licensing presented the report to the Sub-Committee. He stated that an application had been made under s.17 Licensing Act 2003 by Dave Mansbridge on behalf of VIP Production Ltd in respect of a premises licence for Bath Reggae Festival, Kensington Gardens Bath.

He added that the application was for the Premises Licence to take effect on one Saturday in August each year.

He informed the Sub-Committee that a relevant representation had been received within the statutory period from the Council's Public Protection Team.

The Specialist Officer (Health & Safety) addressed the Sub-Committee. She explained that she was a member of the Council's Safety Advisory Group for Events (SAGE) and that they had only received information regarding the application with 6 weeks' notice until the event was due to take place. She added that both the Police and Fire Service had also expressed concerns about the event taking place.

She said that a number of discussions had taken place with the applicant over the past few weeks but that a number of elements for the event remain missing.

She stated that a food safety management system plan had still not been received from the food trader for the event and that they have no information about who will be running the bars.

She said that she has concerns over the competency and management of the event organisers.

She also said she had concerns about the wind management plan for the temporary structures.

Councillor Steve Hedges asked if she knew how many people were expected to attend the event.

The Specialist Officer (Health & Safety) replied that figures within the documents received ranged from 1,500 – 3,000.

Councillor Hedges asked if she was satisfied with the Traffic Management Plan.

The Specialist Officer (Health & Safety) replied that access had been established at both ends of the site, but that one is a private unadopted road. She added that some stewarding is supposed to be in place but queried what powers they would have.

Councillor Michael Evans asked what level of input the Council normally gives to events such as this during the application process.

The Specialist Officer (Health & Safety) replied that where organisers are not fully aware of the locality there are always elements to look at and to highlight local anomalies. She added that she felt that the Council had needed to request a lot of information from the applicant over the past six weeks.

Kevin Peterkin addressed the Sub-Committee on behalf of the applicant VIP Production Ltd. He said that they have been organising festivals like the one applied for since 2018 and that the setup would replicate that of the previous events they have held.

He explained that they have had difficulty in confirming food vendors before the lockdown restrictions had been lifted. He confirmed that there would now be only one food vendor on site and that they had contacted ticket holders to inform them that they could bring their own food to the event.

Councillor Rob Appleyard asked why some of the event timings differed in the documents received.

Kevin Peterkin replied that they had tried to stagger the opening times to consider the local residents and attempt to reduce any congestion.

Councillor Appleyard asked if the site had established access for emergency vehicles.

Kevin Peterkin replied that access would be from Meadows Lane.

Councillor Michael Evans asked how many tickets had been made available for the event.

Kevin Peterkin replied that there were 2,000 tickets.

Councillor Rob Appleyard asked when did plans for the event first begin.

Kevin Peterkin replied that they began in August 2020.

Councillor Appleyard commented that he felt that the application had been made quite last minute and had therefore left little time for any dialogue regarding the missing information.

Kevin Peterkin said that he understood the concerns raised and that they had tried to go through the process as best they could and provide the information requested.

Councillor Appleyard asked if the stage structure would be built by the same team that they have used in their previous events.

Kevin Peterkin replied that it would be same team as used previously.

Councillor Appleyard asked why relevant information was missing on this occasion from the application.

Kevin Peterkin replied that they had only supplied part of a 2,000-page document as this was what they had done when applying to other Councils.

Councillor Appleyard asked if the information expected by B&NES was a national standard or do we ask for more.

The Specialist Officer (Health & Safety) replied that basic loading calculations are required alongside specific site information. She added that she was aware that a bespoke deck needs to be made and subsequently approved by Building Control.

She stated that she did not feel that the information requested was above any level requested for other events.

Councillor Appleyard asked if the Sub-Committee were mindful to grant the application subject to the Event Management Plan being fully agreed by the Public Protection Team, would this be possible.

The Specialist Officer (Health & Safety) replied that they were not a duty holder and that it was a fine line between assisting and approving.

Kevin Peterkin informed the Sub-Committee that they had decided that there was not enough space on site for a children's area / bouncy castle.

Councillor Appleyard asked if plans were in place for the protection of children.

Kevin Peterkin replied that there were.

Councillor Steve Hedges asked if the site would have a separate entrance for those customers with a disability.

Kevin Peterkin replied that it would and that this would be accessed through Morrison's car park.

Councillor Michael Evans commented that the Sub-Committee could consider granting the application for this year only and not year on year at this stage.

- At 11.10am the Sub-Committee began their private deliberations regarding the application. They reconvened at 11.50am to ask further questions to both parties.

Councillor Michael Evans commented that some roles within Event Management Plan were vacant and asked if these had now been identified.

Kevin Peterkin replied that they were.

- Tom is in place while Dave Mansbridge remains unwell
- Sabrina – Operations Manager
- Norma – Hospitality

The Deputy Team Leader, Legal Services asked for this information, including surnames, to be supplied in writing to the Licensing Dept.

Councillor Appleyard asked for the key outstanding concerns to be identified.

The Specialist Officer (Health & Safety) replied that they were as follows:

- Wind Management Plan
- Food safety management system from the vendor
- Contact details of who will be running the on-site bars
- Confirmation of the names (first and surname) of the key persons in the organisation, including Operations Manager and Hospitality Manager

She added that face painting and chair massage had also recently been added to the list of activities and were not listed within the original application.

Councillor Appleyard asked if a Wind Management Plan was required for all events.

The Specialist Officer (Health & Safety) replied that it was if marquees are in place at the event in question.

Councillor Appleyard asked if there were any specific concerns raised by the Police or Fire Service.

The Specialist Officer (Health & Safety) replied that the Police had queried how many stewards would be in place on the site and how the Stewarding Plan would be implemented.

Councillor Michael Evans asked regarding the food vendor whose responsibility was it in terms of fuel use and allergens.

The Specialist Officer (Health & Safety) replied that the duty lies with the vendor, but that the event organiser would be expected to have undertaken due diligence as part of the application process.

Following a further deliberation by the Sub-Committee the decision below was given.

### Decision and Reasons

Members have determined an application for a Premises Licence for Bath Reggae Festival, Kensington Gardens, Bath. In doing so, they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy, Human Rights Act 1998 and case law.

Members are aware the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence suggesting a Premises may have a detrimental effect on one or more of the Licensing Objectives and they must only do what is appropriate and proportionate on information before them. Members are further aware that applications must be considered on merit and objections received from Responsible Authorities must be capable of withstanding scrutiny.

The application is for one Saturday in August each year (21 August for 2021), to cover:

- The sale of alcohol by retail for consumption on the premises from 11:00 until 23:00
- The Performance of Dance from 10:00 until 23:00
- Exhibition of Film from 10:00 until 22:00
- Performance of Live Music from 10:00 until 23:00
- Performance of Recorded Music from 10:00 until 23:00

The application proposes the following opening times: 10:00 until 23:30

The applicant stated they have run other successful events; they have engaged a professional security company; have produced a comprehensive Event Management Plan, dealing with health and safety policy, security policy, an emergency liaison team and power of command, entry policy, crowd management, extreme weather policy, child safety and lost children policy and many more; engaged a noise monitoring company; and provided a contact number to local residents. The applicant stated that VIP Production and associated contractors will fully abide by the licensing regulations provided by the local authority and will promote the local community in a good light by avoiding any public nuisance, crime and public safety issues. They will maintain a clean and safe environment for all visitors to the area and will uphold standards to avoid any lapse that would cause non-compliance to the

licensing objectives. Should any incidents occur, they will fully cooperate with the Police and any relevant authority.

The Event Management Plan included information on proposed access and egress routes and that stewards would be placed on two approach roads to prevent parking in nearby residential roads.

The application was discussed at the local Safety Advisory Group for Events (SAGE) and a subsequent representation was received from the Senior Environmental Health Officer (specialist health and safety) in the B&NES Public Protection service. No other representations were received.

The objector summarised the objections as:

The concern with this event is that there are a number of elements, that cumulatively undermine the public safety objective. These are:

- lack of clarity about access for emergency services
- lack of clarity on temporary structures and their management
- lack of clarity on catering and fuel sources
- lack of clarity on crowd management in relation to some parts of the festival site

The event management plan states 'The event will be managed by a team of professionals with a proven track record of running safe events'. This statement does not reflect the amount of input that the various risk assessments have fed into the event management plan. As at 2 August 2021, further details have been updated, however there is still no information on the main stage structure, size of the Dub tent and the details on the route for emergency access have changed again. The concern is that the festival organiser is planning to use stewards to ensure Meadows Lane stays clear, however this is an unadopted private road and therefore there is no statutory framework available to ensure this happens.

There continues to be a lack of detail about how a major incident would be dealt with; the traffic management plan; a need for a robust security and stewarding plan; detail of food vendors, structures and fuel; a fire risk assessment; lack of detail about emergency vehicle access; lack of detail about the erection of the stage, Dub tent, VIP and back stage area including capacity and access and egress; wind management plan; details of the children's play area and confusion about the start time.

In determining the application Members reminded themselves of the Statutory Guidance. This recognises the important role licensed premises play in the local community and states the Act is a permissive regime that minimises the Regulatory burden. Members further noted the Council's Events Policy which advocates the need to support and facilitate events as these contribute to economic development and vibrant sustainable communities that are active, lively and inclusive. Members also reminded themselves of their Statement of Licensing Policy which aims to

facilitate a healthier economy that feels safe and reduces alcohol related crime and anti-social behaviour.

Members were careful to take account of the oral and written representation and to balance the competing interests of applicant and objector.

In all the circumstances, Members reminded themselves that each application must be determined on its merits and that whilst being mindful of other legislation the licensing regime should not duplicate other statutory provisions. For example, the Health and Safety at Work Act 1974, associated regulatory provisions and Health and Safety Executive guidance.

#### The Licensing Sub-Committee decision is to Grant the Licence subject to Conditions

Members noted the various concerns of the Public Protection Team with the shortcomings of the Event Management Plan and public safety. The Members reminded themselves that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence suggesting a Premises may have a detrimental effect on one or more of the Licensing Objectives and they must only do what is appropriate and proportionate on information before them. Therefore, Members considered that the genuine concerns from Public Protection could be managed by conditions on the licence and encouraged the applicant to review the plan for the following years. The Members therefore make the following additional conditions:

- This licence is granted for one year only the date being the 21 August 2021 from 10:00 to 23:00.
- The Applicant must comply with the Event Management Plan and Traffic Management Plan provided to Bath and North East Somerset Council as updated by subsequent information.
- The license is conditional on the Applicant providing via the Bath and North East Somerset Council Event App by 10am Friday 20 August 2021 the following information:
  - Wind management plan for the temporary structures
  - A current and relevant food safety management system, as set out at page 55 point h) of the Event Management Plan.
  - The name and address of the person running the bars
  - Confirmation of the names (first and surname) of the key persons in the organisation, including Operations Manager and Hospitality Manager (page 12 of the Event Management Plan).

AND for this information to be confirmed as agreed by 12 noon on 20 August by Bath and North East Somerset Council Public Protection Team for the condition of the granting of the licence to be met.

Authority is delegated to the Licensing Officer to issue the licence with the statutory conditions and the additional conditions listed above.

The Members stated that if the event is successful, they invited application for future years, but would expect an application to be made three months in advance of the date, to allow time for engagement with the Responsible Authorities.

**NB:** On Friday 20th August 2021 the following statement was released by Bath & North East Somerset Council.

*Bath & North East Somerset Council is notifying residents that the organisers of Bath Reggae Festival have today decided to postpone their event, which had been due to take place at Kensington Meadows in Bath tomorrow (August 21).*

*Ticket holders are asked not to travel to the site and to contact the organisers for further details.*

*Councillor Dine Romero, cabinet member for Children and Young People, Communities and Culture, said: "We look forward to continuing to work with the organisers of Bath Reggae Festival to support them in bringing a safe and vibrant event to Bath in the future."*

The meeting ended at 12.30 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

### **Licensing Sub Committee Hackney Carriage and Private Hire Drivers Complaint Hearing 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 Complainant presents their case, may call witnesses and may be questioned by the Committee and other parties. Where a written complaint has been made the complaint will be read by the Committee. The procedure will be repeated should there be more than one complainant.
4. The Licensee presents their case, may call witnesses and may be questioned by the Committee and other parties.
5. The Chair will ask the Licensing Officers present whether they wish to comment. An Officer making comment may be asked questions.
6. The Complainant is invited to make a closing statement
7. The Licensee is invited to make a closing statement.
8. 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.
9. 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.
10. 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.

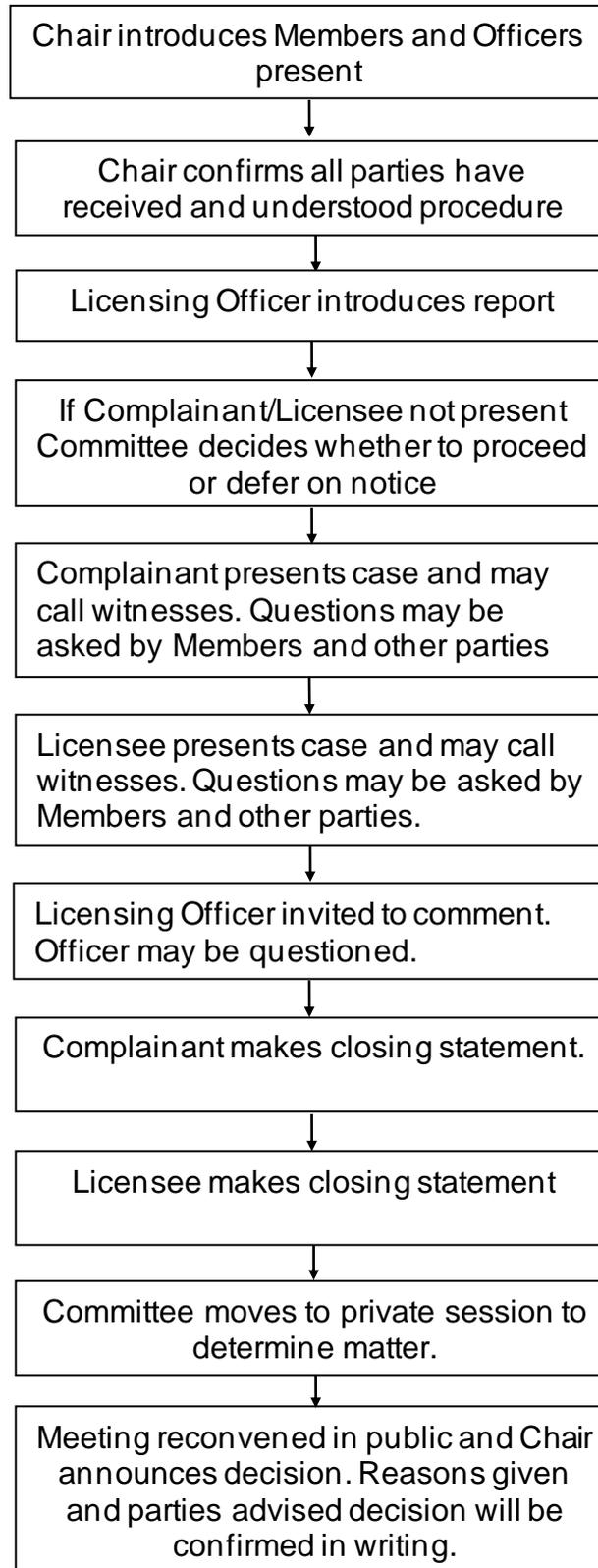
### **PLEASE NOTE:**

- 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.

**LICENSING SUB-COMMITTEE  
HACKNEY CARRIAGE (TAXI) AND  
PRIVATE HIRE VEHICLES COMPLAINT PROCEDURE**



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### Access to Information Arrangements

#### Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 1006/21
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Meeting / Decision: Licensing Sub-Committee
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Date: Thursday 23 <sup>rd</sup> September 2021
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Author: John Dowding
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<b>Exempt Report Title: Consideration of Fit and Proper</b>
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Exempt Appendix Title(s):
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<b>Exempt Annex A- Current Licence</b>
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<b>Exempt Annex B- Complaint Refusal of Fares and Comments</b>
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<b>Exempt Annex C – Timeline of Previous Complaints</b>
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<b>Exempt Annexes D to Y Previous Complaints Received</b>
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<b>Exempt Annex Z – Current Policy On Hackney Carriage and Private Hire Licensing Standards for Drivers, Vehicles &amp; Operators</b>
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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.

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

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.

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 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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