

BATH AND NORTH EAST SOMERSET

LICENSING COMMITTEE

Thursday, 18th February, 2021

Present:- Councillors Manda Rigby (Chair), Sarah Bevan, Sally Davis, Michael Evans, Steve Hedges, Sarah Moore, Mark Roper, Karen Warrington and Ryan Wills

Also in attendance: Carrie-Ann Evans (Deputy Team Leader, Legal Services), Cathryn Brown (Team Manager (Licensing and Environmental Protection)) and John Dowding (Lead Licensing Officer)

9 WELCOME & INTRODUCTIONS

The Chair welcomed everyone to the meeting and introduced the other members of the Committee.

10 ELECTION OF VICE-CHAIR (IF DESIRED)

A Vice-Chair was not required on this occasion at the Committee.

11 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillors Grant Johnson and Sue Craig had sent their apologies to the Committee.

12 DECLARATIONS OF INTEREST

There were none.

13 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

14 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

There were none.

15 MINUTES: 12TH OCTOBER 2020

The Committee approved these minutes as a correct record.

16 RESPONSE TO THE PUBLICATION OF STATUTORY GUIDANCE ON TAXI AND PRIVATE HIRE VEHICLE STANDARDS BY THE DEPARTMENT OF TRANSPORT

The Team Manager for Licensing and Environmental Protection introduced this report to the Committee. She explained that the report by Dame Louise Casey in

February 2015 made it clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had the potential to leave children and public at risk.

She added that the Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies by holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

She stated that as a licensing authority, the Council starts from a strong position, in that systems are already in place that are compliant with many of the suggestions and requirements in the Statutory Guidance. These include a strong policy in place, good links with the Police and driver awareness training on Child Exploitation.

She added that areas have been identified where further work by the Authority is required to identify and quantify the impact of the recommended measures on the Council, Licensees and the public who are intended to be protected by the Statutory Guidance. These include joining a national driver database, Committee Member training and increased criminality checks for drivers.

She said that work will also be carried out on the standards with other Local Authorities.

She stated that the present intention is to bring a further report back to the Committee to update them in February 2022.

Councillor Steve Hedges asked if the DBS are notified if a driver has their licence revoked by the Council.

The Lead Licensing Officer replied that there is no provision to do so regarding revocation, but that they would be notified if an issue is identified that shows that a driver is considered to be a safeguarding risk.

Councillor Hedges asked for a copy of the LGA handbook referred to in the report.

The Team Manager for Licensing and Environmental Protection replied that there was an online link to the handbook that could be circulated.

<https://www.local.gov.uk/councillor-handbook-taxi-and-phv-licensing>

Councillor Hedges commented that he felt that once a driver's licence had been revoked they should not be allowed to drive for work until their appeal had been heard.

The Chair asked the Deputy Team Leader, Legal Services to explain what options are available to the Licensing Sub-Committee when deciding on individual cases.

The Deputy Team Leader, Legal Services addressed the options on revocation in response to Councillor Hedges query and explained that depending on the seriousness of the offences reported the Sub-Committee can either impose:

- Immediate Revocation
- Revocation – with notice (Driver can appeal and still continue to work)

She added that both recent appeals had now been withdrawn, but had been listed for a court hearing quite quickly.

The Chair said that the Council joining a national database was a welcome move as currently drivers could apply to drive in other Local Authorities if they have their licence revoked.

The Team Manager for Licensing and Environmental Protection stated that if a driver is deemed to be an imminent risk to the public the Council has powers to stop them working and that they have been used on previous occasions.

Referring to section 8.13 of the guidance Councillor Hedges asked if booking details are recorded and retained locally as stated.

The Lead Licensing Officer replied that provision is built into the licence to cover these aspects and are outlined in Annex C of the report.

Referring to sections 4.12 / 4.13 of the guidance Councillor Karen Warrington asked if a licence would be suspended pending a further investigation of any alleged criminal activity and should the Police or the Licensee inform the Council.

The Lead Licensing Officer replied that the Council would be informed by the Police and that the Licensee is also supposed to report any alleged offence or actual conviction. He added that there is case law which says that suspension of a licence cannot be used as an interim measure. Examples of where a suspension may be used are where you know after a period of time or a particular event a person will be fit and proper again, for example in connection with a medical condition or to receive further training on a particular matter.

The Chair stated the Council does not have a large cohort of drivers to be concerned about and that revocation is not a decision the Sub-Committee takes likely and that their priority is to protect the public.

She added that the Council should be proud of their work so far and that the report moves things forward in a good fashion.

The Licensing Committee **RESOLVED** to:

- (i) consider the proposals in respect of any action to be taken; and
- (ii) approve the proposed action.

The meeting ended at 10.27 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services