

# Licensing Sub-Committee

**Date:** Thursday, 10th March, 2022

**Time:** 10.00am

**Venue:** Council Chamber - 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**

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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>

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, 10th March, 2022**

**at 10.00 am in the Council Chamber - 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: 13TH JANUARY 2022 (Pages 5 - 12)**

**6. LICENSING PROCEDURE (Pages 13 - 16)**

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 - 22/00070/TAXI (Pages 17 - 54)
9. CONSIDERATION OF FIT AND PROPER - 22/00140/TAXI (Pages 55 - 96)
10. CONSIDERATION OF FIT AND PROPER - 22/00218/TAXI (Pages 97 - 142)
11. CONSIDERATION OF FIT AND PROPER - 22/00283/TAXI (Pages 143 - 190)
12. CONSIDERATION OF FIT AND PROPER - 22/00391/TAXI (Pages 191 - 206)
13. CONSIDERATION OF FIT AND PROPER - 22/00496/TAXI (Pages 207 - 240)
14. CONSIDERATION OF FIT AND PROPER - 22/00024/TAXI (Pages 241 - 274)

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

**BATH AND NORTH EAST SOMERSET COUNCIL**

**LICENSING SUB-COMMITTEE**

Thursday, 13th January, 2022, 10.00 am

**Councillors:** Rob Appleyard (Chair), Steve Hedges and Sally Davis

**Officers in attendance:** John Dowding (Lead Officer - Licensing), Wayne Campbell (Public Protection Officer (Licensing)) and Rebecca Jones (Deputy Team Leader - Legal Services)

**61 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer advised the meeting of the procedure.

**62 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

**63 DECLARATIONS OF INTEREST**

There were none.

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

There was none.

**65 MINUTES OF PREVIOUS MEETING: 23RD SEPTEMBER 2021 & 7TH OCTOBER 2021**

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

**66 LICENSING PROCEDURE**

The Chairman explained the procedure to be followed for the meeting and all parties stated they had read, heard and understood the procedure.

**67 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.

## 68 CONSIDERATION OF FIT AND PROPER – 19/01260/TAXI

The Public Protection 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.

### Decision and Reasons

Members have had to consider whether a Licensee remained a fit and proper person to hold a combined Hackney Carriage / Private Hire Drivers licence issued by Bath and North East Somerset Council to drive in the Bath and North East Somerset area, subject to the conditions attached to the license and a satisfactory DBS check and DVLA check as appropriate.

The current licence is valid from **1 March 2019 to 28 February 2022**

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.

Members reminded themselves that each case is taken on its merit, any economic impact of the decision is irrelevant and with public protection being the paramount importance the whole of a person's character is relevant.

Members had to:

- Consider the evidence presented by the licensing officers and license holder and his representative.
- Had to determine the issue
- Had to take any suitable action

The Members noted that the license holder was previously licensed by Wansdyke DC and has been licensed by B&NES Council since 1996.

### Licensing Officers Report

This hearing and consideration was triggered by the revocation of the license holders Private Hire Operators License.

The Licensing Officer gave his report and referred to previous concerns.

Following an incident on 30 November 2015 that the license holder drove dangerously, followed another vehicle and was aggressive to the driver, the license holder was given a warning, but was not formally interviewed.

In January 2020 the LSC considered an issue where the license holder failed on three occasions to produce an MOT certificate within the required timescales. The license holder was given a final warning.

On 7 October 2021 the LSC considered whether the license holder's Private Hire Operators License should be revoked and determined that it should be revoked.

### Licensee's Representations

The License holder was represented by counsel who handed up references from cab drivers, members of the public and councillors who use his services as a cab driver.

The license holder considered he was the victim in 2015 and was never formally interviewed before the warning was issued. The issue about MOT certificates was in 2020 and was dealt with by the LSC.

The issue considered by the LSC on 7 October related to the license holder's suitability to hold an operator's license, that is very different from suitability to be a driver. There are no complaints from the public or customers, which bring into question his suitability to hold a driver's license.

### Bath and North East Somerset Council Licensing Sub-Committee decision:

Not heard anything to warrant a view that the license holder is not a fit and proper person to hold a Hackney Carriage / Private Hire Driver's License.

## **69 RETURN TO PUBLIC SESSION**

The members of the Sub-Committee agreed to return the meeting to a public session.

## **70 CONSIDERATION OF VEHICLE SUITABILITY TO BE LICENSED AS A PRIVATE HIRE VEHICLE – 21/02083/PHVL**

The Lead Officer - Licensing presented the report to the Sub-Committee. He explained that the report invited the Members to consider whether or not a vehicle that is non-compliant with the Clear Air Zone (CAZ) implemented by the Council in March 2021 is suitable to be licensed as a private hire vehicle.

### Decision and Reasons

Members have had to determine an application for a Hackney Carriage Vehicle Licence for two vehicles. In doing so they took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, the Council's Policy and the applicant's oral representations. Members considered that they did not need to inspect the applicant's vehicles, which had been made available.

The current Bath and North East Somerset Council Public Hire Vehicle Policy was introduced on 18 December 2018 following widespread full consultation, including with the private hire trade. The policy was further amended in 2020. The policy conditions state:

*"During the life of this policy one or more Clean Air Zones may be introduced. A Clean Air Zone will impose charges on all vehicles driving within it which do not meet specified emission standards. All vehicles licensed by the Council must be (as a*

*minimum) compliant with the terms of the Clean Air Zone and meet with its emission standards, unless they are eligible for exemptions as detailed in the CAZ scheme.”*

During 2019 when it was known that a Clean Air Zone (CAZ) would be introduced, licensees were reminded by letter of the policy and the requirement for licensed vehicles to be CAZ compliant to be re-licensed.

In the September / October 2019 annual re-licensing all Private Hire proprietors who applied to renew their licence were required to sign a set of licensing conditions stating that they understood and accepted the attached conditions of licence. All vehicle proprietors that renewed were also provided with a copy of the conditions for their reference. The applicant signed a copy of the conditions on 28 October 2019.

Public consultation was held about the CAZ and specific events held for the PHV trade, including information about the financial assistance scheme (FAS) available to upgrade vehicles.

The Council has adopted an exemption to the policy, which provides that all vehicles licensed by the Council must be (as a minimum) compliant with the terms of the CAZ and meet with its emission standards, unless they are eligible for exemptions as detailed in the CAZ scheme, i.e. that they are adapted for wheelchair use or are going through the Financial Assistance Scheme.

All licenses expire annually on 31 October. Applications for renewal can be made from 1 September.

On 30 October 2021 the applicant applied to renew his licenses for:

- Fiat Scudo 144,002 miles on the clock with a non-compliant diesel engine, that does not meet the Euro 6 standard.
- Mercedes E250 201,978 miles on the clock with a non-compliant diesel engine, that does not meet the Euro 6 standard.

The vehicles have not been granted an exemption from CAZ.

In January 2021 the applicant had expressed an interest in the FAS and in March started the process for consideration. The Bath Clean Air Zone (CAZ) came into effect in March 2021. In June 2021 the applicant was given a ‘basic eligibility letter’ and provided with a list of potential finance providers. The letter was valid for three months until early September 2021. The applicant did not contact a provider until August and was told they could not assist as they did not fund sole traders and advised to contact other providers. The applicant did not do so before the letter expired.

The applicant contacted the CAZ Team late October 2021 and the offer of financial assistance has been extended should the Council be minded to disapply its policy and grant the applications to renew the private hire licence for non-compliant vehicles that are not subject to a CAZ exemption at the time of application.



The applicant stated that he had delayed as he had waited to see if his private hire work would pick up following the Covid lockdowns, that when the first FAS funder declined his application, he hesitated to contact other funding providers in case it affected his credit rating, that one of the funding providers had stated they did not work with B&NEs and he had been working in France for about a month.

The applicant accepted he had had notice of the CAZ, the requirements for licensed private hire vehicles to comply, the terms for an exemption and the FAS scheme.

#### Bath and North East Somerset Licensing Sub-Committee decision:

The Members are not minded to make an exemption to the Bath and North East Somerset Council Policy to licence the two vehicles. The Applicant has had notification of the scheme, time and assistance to make a timely application for a basic eligibility letter and to apply for funding from the financial assistance scheme. Nothing presented to the Licensing Sub-Committee persuaded them to make an exemption.

## **71 CONSIDERATION OF VEHICLE SUITABILITY TO BE LICENSED AS A PRIVATE HIRE VEHICLE – 21/02084/PHVL**

The Lead Officer - Licensing presented the report to the Sub-Committee. He explained that the report invited the Members to consider whether or not a vehicle that is non-compliant with the Clear Air Zone (CAZ) implemented by the Council in March 2021 is suitable to be licensed as a private hire vehicle.

#### Decision and Reasons

Members have had to determine an application for a Hackney Carriage Vehicle Licence for two vehicles. In doing so they took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, the Council's Policy and the applicant's oral representations. Members considered that they did not need to inspect the applicant's vehicles, which had been made available.

The current Bath and North East Somerset Council Public Hire Vehicle Policy was introduced on 18 December 2018 following widespread full consultation, including with the private hire trade. The policy was further amended in 2020. The policy conditions state:

*“During the life of this policy one or more Clean Air Zones may be introduced. A Clean Air Zone will impose charges on all vehicles driving within it which do not meet specified emission standards. All vehicles licensed by the Council must be (as a minimum) compliant with the terms of the Clean Air Zone and meet with its emission standards, unless they are eligible for exemptions as detailed in the CAZ scheme.”*

During 2019 when it was known that a Clean Air Zone (CAZ) would be introduced, licensees were reminded by letter of the policy and the requirement for licensed vehicles to be CAZ compliant to be re-licensed.

In the September / October 2019 annual re-licensing all Private Hire proprietors who applied to renew their licence were required to sign a set of licensing conditions stating that they understood and accepted the attached conditions of licence. All vehicle proprietors that renewed were also provided with a copy of the conditions for their reference. The applicant signed a copy of the conditions on 28 October 2019.

Public consultation was held about the CAZ and specific events held for the PHV trade, including information about the financial assistance scheme (FAS) available to upgrade vehicles.

The Council has adopted an exemption to the policy, which provides that all vehicles licensed by the Council must be (as a minimum) compliant with the terms of the CAZ and meet with its emission standards, unless they are eligible for exemptions as detailed in the CAZ scheme, i.e. that they are adapted for wheelchair use or are going through the Financial Assistance Scheme.

All licenses expire annually on 31 October. Applications for renewal can be made from 1 September.

On 30 October 2021 the applicant applied to renew his licenses for:

- Fiat Scudo 144,002 miles on the clock with a non-compliant diesel engine, that does not meet the Euro 6 standard.
- Mercedes E250 201,978 miles on the clock with a non-compliant diesel engine, that does not meet the Euro 6 standard.

The vehicles have not been granted an exemption from CAZ.

In January 2021 the applicant had expressed an interest in the FAS and in March started the process for consideration. The Bath Clean Air Zone (CAZ) came into effect in March 2021. In June 2021 the applicant was given a 'basic eligibility letter' and provided with a list of potential finance providers. The letter was valid for three months until early September 2021. The applicant did not contact a provider until August and was told they could not assist as they did not fund sole traders and advised to contact other providers. The applicant did not do so before the letter expired.

The applicant contacted the CAZ Team late October 2021 and the offer of financial assistance has been extended should the Council be minded to disapply its policy and grant the applications to renew the private hire licence for non-compliant vehicles that are not subject to a CAZ exemption at the time of application.

The applicant stated that he had delayed as he had waited to see if his private hire work would pick up following the Covid lockdowns, that when the first FAS funder declined his application, he hesitated to contact other funding providers in case it affected his credit rating, that one of the funding providers had stated they did not work with B&NEs and he had been working in France for about a month.

The applicant accepted he had had notice of the CAZ, the requirements for licensed private hire vehicles to comply, the terms for an exemption and the FAS scheme.

Bath and North East Somerset Licensing Sub-Committee decision:

The Members are not minded to make an exemption to the Bath and North East Somerset Council Policy to licence the two vehicles. The Applicant has had notification of the scheme, time and assistance to make a timely application for a basic eligibility letter and to apply for funding from the financial assistance scheme. Nothing presented to the Licensing Sub-Committee persuaded them to make an exemption.

The meeting ended at 12.15 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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### **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.

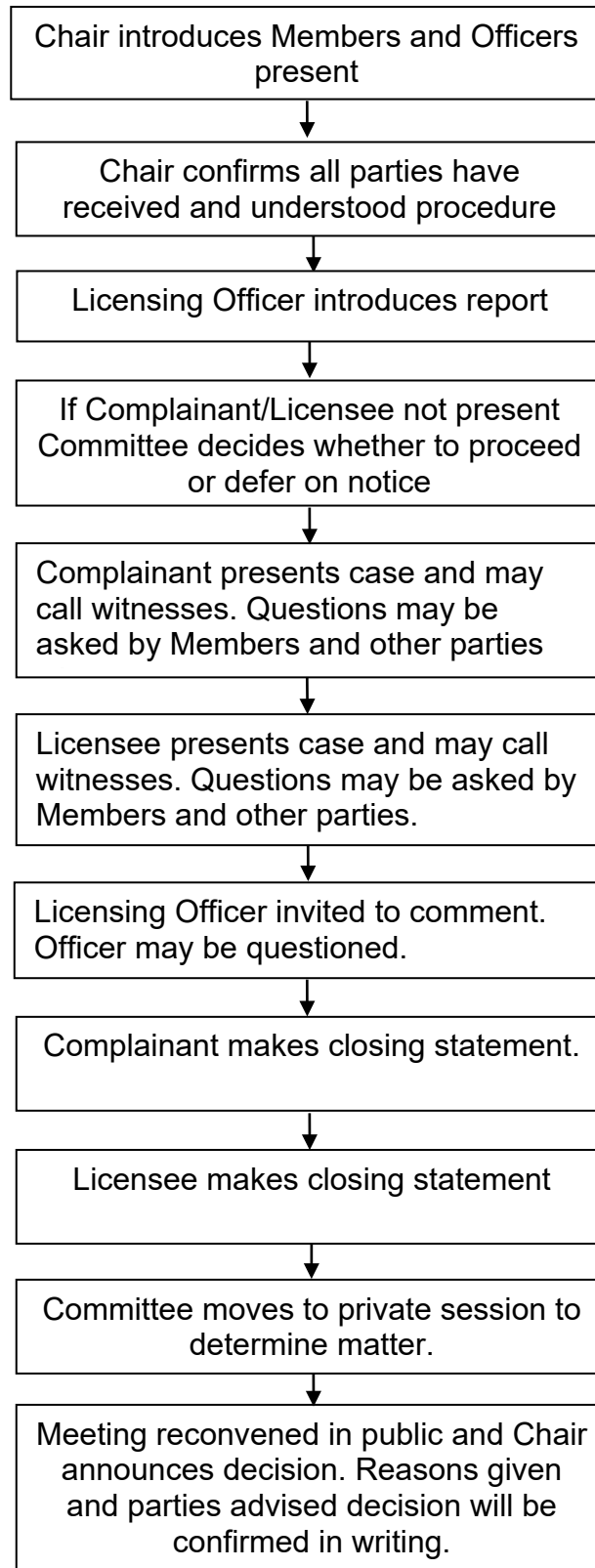
### **PLEASE NOTE:**

- 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 732029

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 10th March 2022

Author: John Dowding

**Exempt Report Title:** Application to Renew Combined Hackney Carriage/Private Hire Drivers Licence -Consideration of Fit and Proper

**Exempt Appendices:**

Exempt Annex A- Current Licence

Exempt Annex B – Application to Renew Combined HC/PH Drivers Exempt Licence

Exempt Annex C – Email to Licensee Requiring Explanation.

Exempt Annex D – Email Response From Licensee to Annex C.

Exempt Annex E – Copy of Application Form 2019.

Exempt Annex F – Letter From Licensing 2019.

Exempt Annex G – Reply from Licensee to Annex F 2019.

Exempt Annex H- Reply to Annex G From Licensing 2019.

Exempt Annex I – Licensing Enforcement Letter 2019.

Exempt Annex J – Licensing Enforcement Documents -False Details Provided.

Exempt Annex K - Policy on Hackney Carriage & Private Hire Licensing Standards for 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 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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## Access to Information Arrangements

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

Information Compliance Ref: LGA 732039

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 10<sup>th</sup> March 2022

Author: John Dowding

**Exempt Report Title:** Application to Renew Combined Hackney Carriage/Private Hire Drivers Licence -Consideration of Fit and Proper

**Exempt Appendices:**

Exempt Annex A- Current Licence  
 Exempt Annex B – Results of Standard DVLA Check.  
 Exempt Annex C – Extracted Renewal Application Page.  
 Exempt Annex D – Current Licence Conditions and Penalty Point Scheme.  
 Exempt Annex E – Email to Licensee Requiring Explanation.  
 Exempt Annex F – Response to Annex E From Licensee.  
 Exempt Annex G - Policy on Hackney Carriage & Private Hire Licensing Standards for 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 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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## Access to Information Arrangements

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

Information Compliance Ref: LGA 732052

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 10<sup>th</sup> March 2022

Author: John Dowding

**Exempt Report Title:** Application to Renew Combined Hackney Carriage/Private Hire Drivers Licence -Consideration of Fit and Proper

**Exempt Appendices:**

Exempt Annex A- Current Licence  
 Exempt Annex B – Extracted Page From Renewal Application.  
 Exempt Annex C – Current Licence Conditions and Penalty Point Scheme.  
 Exempt Annex D – Email Requiring Explanation.  
 Exempt Annex E – Email Response From Licensee.  
 Exempt Annex F – Warning Letter 2014.  
 Exempt Annex G - Warning Letter 2016  
 Exempt Annex H - Policy on Hackney Carriage & Private Hire Licensing Standards for 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 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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## Access to Information Arrangements

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

Information Compliance Ref: LGA 747971

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 10<sup>th</sup> March 2022

Author: John Dowding

**Exempt Report Title: Application to Renew Combined Hackney Carriage/Private Hire Drivers Licence -Consideration of Fit and Proper**

Exempt Appendix Title(s):

**Exempt Annex A- Current Licence.**

**Exempt Annex B – Extracted Page From Renewal Application.**

**Exempt Annex C – Current Licence Conditions and Penalty Point Scheme.**

**Exempt Annex D – DVLA Check.**

**Exempt Annex E – Email Requiring Explanation.**

**Exempt Annex F – Email Response From Licensee.**

**Exempt Annex G – Warning Letter 2016.**

**Exempt Annex H – Email referring to LSC January 2022.**

**Exempt Annex I – Response from Licensee to Annex H.**

**Exempt Annex J - Policy on Hackney Carriage & Private Hire Licensing Standards for 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 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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### Access to Information Arrangements

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

Information Compliance Ref: 751482

Meeting / Decision: Licensing Sub-Committee

Date: 10<sup>th</sup> March 2022

Author: John Dowding

Exempt Report Title:

**Application to Renew Combined Hackney Carriage/Private Hire Drivers Licence  
-Consideration of Fit and Proper**

Exempt Appendix Title(s):

**Exempt Annex A- Current Licence**

**Exempt Annex B – Extracted Page From Application Form**

**Exempt Annex C- DVLA Check**

**Exempt Annex D- Extracted Page From Current Licensing Conditions**

**Exempt Annex E- Email From Licensing – False Declaration To Obtain A  
Licence.**

**Exempt Annex F – Response From Licensee to Annex E**

**Exempt Annex G – Minutes & Resolution From Licensing Sub-Committee  
21/01/2021**

**Exempt Annex H - Policy on Hackney Carriage & Private Hire Licensing  
Standards for 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 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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### Access to Information Arrangements

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

Information Compliance Ref: LGA 758591

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 10<sup>th</sup> March 2022

Author: John Dowding

**Exempt Report Title: Application to Renew Combined Hackney Carriage/Private Hire Drivers Licence -Consideration of Fit and Proper**

Exempt Appendix Title(s):

**Exempt Annex A- Current Licence**

**Exempt Annex B – Extracted Page From Application Form**

**Exempt Annex C- DVLA Check**

**Exempt Annex D- Extracted Page From Current Licensing Conditions**

**Exempt Annex E- Email From Licensing – False Declaration To Obtain A Licence.**

**Exempt Annex F – Response From Licensee to Annex E**

**Annex G – Minutes & Resolution From Licensing Sub-Committee 01/12/2016**

**Exempt Annex H – Complaint Received**

**Exempt Annex I – Complaint Received**

**Exempt Annex J - Policy on Hackney Carriage & Private Hire Licensing Standards for 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 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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## Access to Information Arrangements

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

Information Compliance Ref: LGA 758608

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 10<sup>th</sup> March 2022

Author: John Dowding

**Exempt Report Title: Application to Renew Combined Hackney Carriage/Private Hire Drivers Licence -Consideration of Fit and Proper -**

Exempt Appendix Title(s):

**Exempt Annex A- Current Licence**

**Exempt Annex B – Extracted Page From Application Form**

**Exempt Annex C- Online DBS Check Result**

**Exempt Annex D – Copy Of DBS Certificate Provided By Applicant.**

**Exempt Annex E- Extracted Page From Current Licensing Conditions**

**Exempt Annex F- Email From Licensing – False Declaration To Obtain A Licence.**

**Exempt Annex G – Response From Licensee to Annex F**

**Exempt Annex H – Complaint Received & Actions Taken**

**Exempt Annex I - Policy on Hackney Carriage & Private Hire Licensing Standards for 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 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.

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

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