BATH AND NORTH EAST SOMERSET

LICENSING SUB-COMMITTEE

Thursday, 5th May, 2022

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

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

95   EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised the meeting of the procedure.

96   APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

97   DECLARATIONS OF INTEREST

There were none.

98   TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

99   LICENSING PROCEDURE

The Chairman explained the procedure to be followed for the meeting and the applicant stated they had read and understood the procedure.

100   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.

101   APPLICATION TO RENEW COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - CONSIDERATION OF FIT AND PROPER - 22/00233/TAXI

The Lead Officer - Licensing presented the report to the Sub-Committee. He explained the timeline for the process between the application being made and the first licence being issued to the applicant. He added that the applicant's conduct had been good throughout this process with the Licensing department.

The members of the Licensing Sub-Committee asked questions of the applicant and he responded accordingly with regard to the process of the application and the conditions that are within the licence.

Decision and Reasons

Members have had to consider whether or not the applicant is fit and proper to have his combined Hackney Carriage/Private Hire Driver's licence renewed in the light of the fact that his DBS check has revealed a caution from 2018. In doing so Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law, Council Policy and the applicant's oral representations.

The applicant explained to members the unusual timeline that had occurred in relation to his application and said that this caused a grey area in his mind, even though he had read the taxi licensing documents at the time. That said, he took full responsibility for failing to report his caution during a very difficult period for him. He indicated that he had read the taxi licensing documents again and they were now clear to him, and he is very aware that he would have to report such a caution in future. He explained to Members that he enjoys taxi driving in Bath, acknowledged his mistake and hopes that this matter can be resolved.

Members noted that there had been no complaints against the applicant since he was first licensed in 2019 and that 4 years had elapsed since the offence for which he was cautioned, and he had therefore been caution free for the period anticipated in the Council Policy. Members noted that the Lead Officer for Licensing spoke favourably in relation how the applicant had handled this matter. Members did not think that there had been any attempt by the applicant to mislead the licensing authority, in what had been an unusual sequence of events and found him to be genuine and credible in his account.

In all the circumstances Members did not consider the caution impacted the applicant's fit and proper status to hold a licence and therefore approve the grant of the licence but issue a formal warning as to his future conduct, as the safety of the travelling public is paramount and note that he must comply with the conditions of his licence.

The meeting ended at 10.52 am

Chair(person) ....

Date Confirmed and Signed ....

Prepared by Democratic Services