

## **BATH AND NORTH EAST SOMERSET**

### **MINUTES OF LICENSING SUB-COMMITTEE MEETING**

Thursday, 7th September, 2023

Present:- **Councillors** Steve Hedges (Chair), Lucy Hodge and Toby Simon

Also in attendance: Carrie-Ann Evans (Team Leader, Legal Services) and Mike Dando (Lead Officer (Licensing))

#### **34 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer drew attention to the Emergency Evacuation Procedure.

#### **35 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

#### **36 DECLARATIONS OF INTEREST**

There were none.

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

There was none.

#### **38 LICENSING PROCEDURE**

The Chair referenced the procedure and stated that the driver would be given a fair amount of time to make a statement and give their evidence to the Sub-Committee.

#### **39 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.

It was **RESOLVED** that the public be excluded from the meeting for the following items 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.

#### 40 **CONSIDERATION OF FIT AND PROPER STATUS - 21/02421/TAXI**

Councillor Steve Hedges asked the licensee to confirm that he had attended an alcohol awareness course as prescribed as part of the caution he had received.

The licensee confirmed that he had.

Councillor Hedges explained to the licensee that the Sub-Committee were considering deferring the hearing as they would like further information from his GP in relation to his alcohol use and medical fitness to meet Group 2 DVLA driving standards.

Councillor Toby Simon asked when the last time was that the licensee had discussed this matter with his GP.

The licensee replied that this would have been on 18<sup>th</sup> August. He added that he was aware of a private test that could be taken to show the levels of his alcohol intake. He informed the Sub-Committee that this was called a CDT (Carbohydrate Deficient Transferrin) test and that it was recognised by the DVLA with regard to their Group 2 driving standards. He stated that he has not had an alcoholic drink in the past 8 weeks.

The licensee stated that he had a perfectly clean driving licence and has received no complaints against him whilst holding his combined Hackney Carriage/Private Hire Driver's Licence.

Councillor Steve Hedges asked the licensee if he thought that he had a problem with alcohol.

The licensee replied that he did not.

The licensee was asked if he agreed to a deferral of the hearing and he said that he did agree.

#### Decision & Reasons

Members were due to consider whether or not the licensee is fit and proper to continue to hold a combined Hackney Carriage/Private Hire Driver's Licence in light of a caution obtained during the currency of his licence.

Members also noted from the licensing report before them that there was a question outstanding regarding the licensee's alcohol use and medical fitness to meet Group 2 DVLA driving standards. As such Members considered whether or not to defer the determination of this matter in order to be able to review additional material in this regard. In making this determination, they invited the views of the licensee who indicated that he would be in agreement with a deferral in order to be able to obtain additional information.

Taking into account the public interest in determining this matter with additional relevant information and to ensure fairness to all parties concerned, Members have decided to defer this matter to 5<sup>th</sup> October 2023 with discretion to BANES officers to further defer to a later date, to be advised to the licensee, if required. The purpose of this deferral is so that the licensee can liaise with his GP to provide a view in relation to whether or not the licensee continues to meet the Group 2 DVLA driving standards and this may include the licensee obtaining a Carbohydrate Deficient Transferrin test, as is required by DVLA, to enable the GP to reach a view.

The meeting ended at 10.50 am

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**