

BATH AND NORTH EAST SOMERSET

LICENSING SUB-COMMITTEE

Thursday, 11th January, 2024

Present:- Councillors Steve Hedges (Chair), Toby Simon and Ann Morgan

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

77 EMERGENCY EVACUATION PROCEDURE

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

78 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

The Chair drew attention to the emergency evacuation procedure.

79 DECLARATIONS OF INTEREST

There were none.

80 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

81 MINUTES OF PREVIOUS MEETING: 14TH DECEMBER 2023

The Sub-Committee **RESOLVED** to approve the minutes of the meeting held on 14th December 2023.

82 LICENSING PROCEDURE

The Chair referenced the procedure that would be followed during the course of the meeting.

Those that were present confirmed that they had received and understood the licensing procedure.

83 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.

84 CONSIDERATION OF FIT AND PROPER - 22/00413/TAXI

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. She stated that they were being asked to determine whether a licensee remains fit and proper to hold their combined Hackney Carriage/Private Hire Driver's licence.

The licensee was asked by the Chair to address them on the matters raised within the report and why she felt that she remained fit and proper to hold her licences. She also responded to questions from the members of the Sub-Committee.

Decision & Reasons

Members have had to consider whether or not the licensee is a fit and proper person to continue to hold her combined Hackney Carriage/Private Hire Driver's licence in the light of failures to comply with the conditions of her Private Hire Vehicle Licence relating to insurance and MOT certificates. In doing so Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council Policy.

Members heard from the licensee in oral representations who indicated that she appreciated and understood why she was before the Sub-Committee. She explained that she had not hidden anything because she was driving without an MOT or insurance, she would not do that, this was purely an administrative failure.

In relation to the failure to disclose her speeding conviction she noted this was during the pandemic and by the time she had returned to work she had forgotten about it.

In relation to the failure to report the collision, for which the other driver had accepted fault, she explained that she had ended up hospitalised after that due to a very bad reaction to a Covid 19 jab, and that the failure to report had been an oversight.

The licensee explained to Members that she understands the process more now and has got the help to do what she needs to do. She apologised to Members and said that it will not happen again.

Members noted that compliance with the conditions relating to MOT and insurance certificates, is vital so that the Council can be assured that the safety of the public when travelling in a BANES licensed vehicle is not compromised. Indeed, compliance with all licence conditions is of the utmost importance.

Members noted that the licensee had held her licence with BANES for approximately 20 years and found that there had been no complaints in relation to her conduct from members of the public.

Members welcome the work that she does with children with special needs.

On balance, Members find that the licensee is a fit and proper person to continue to hold the combined Hackney Carriage/Private Hire Driver's Licence, but they issue a final warning to the licensee that:

1. She must comply with the conditions on her licences as they are an important safeguard to ensure the safety of the travelling public.
2. She must set up arrangements which will ensure that she complies with all the obligations of her licences.
3. If she comes before the Licensing Sub-Committee again, against this background, there is a strong risk of revocation of her licence.

85 CONSIDERATION OF FIT AND PROPER - 21/02372/TAXI

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. She stated that they were being asked to determine whether a licensee remains fit and proper to hold their combined Hackney Carriage/Private Hire Driver's licence.

The licensee was asked by the Chair to address them on the matters raised within the report and why he felt that he remained fit and proper to hold his licences. He also responded to questions from the members of the Sub-Committee.

Decision & Reasons

Members have had to consider whether or not the licensee is a fit and proper person to continue to hold his combined Hackney Carriage/Private Hire Driver's licence in the light of failures to comply with the conditions of his Private Hire Vehicle Licence relating to insurance and MOT certificates. In doing so Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council Policy.

Members heard from the licensee in oral representations who indicated that he did not have a valid excuse and should be able to forward an e-mail on. In relation to the incident where there was an alleged collision, he explained to Members that he had met with the owner of the other vehicle, and they concluded that there had not been a collision.

The licensee explained to Members that he really loves being a taxi driver and had been doing it for 20 years. He would like to do it for another 20 years and thought that coming before the committee today would remind him to be on top of his obligations.

Whilst addressing Members the licensee indicated that he had recently completed a declaration in relation to a speeding offence, but he had not received confirmation of conviction yet.

Members noted that compliance with the conditions relating to MOT and insurance certificates, is vital so that the Council can be assured that the safety of the public when travelling in a BANES licensed vehicle is not compromised. Indeed, compliance with all licence conditions is of the utmost importance.

Members noted that the licensee had held his licence with BANES for nearly 20 years.

On balance, Members find that the licensee is a fit and proper person to continue to hold the combined Hackney Carriage/Private Hire Driver's Licence, but they issue a final warning to the licensee that:

1. He must comply with the conditions on his licences as they are an important safeguard to ensure the safety of the travelling public.
2. He must re-read and understand the conditions on his licences.
3. He must notify the licensing section in writing within 7 days of any conviction, caution or fixed penalty notice for a motoring offence during the period of his licence and should provide information relating to the circumstances surrounding the offence. Any charge, conviction, caution and fixed penalty notice also includes motoring offences.
4. He must set up arrangements which will ensure that he complies with all the obligations of his licences.
5. If he comes before the Licensing Sub-Committee again, against this background, there is a strong risk of revocation of his licence.

The meeting ended at 11.21 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services