

# Licensing Sub-Committee

**Date: Thursday, 13th June, 2024**

**Time: 10.00am**

**Venue: Council Chamber - Guildhall, Bath**

**Councillors:** Steve Hedges, Onkar Saini and Shaun Hughes

Chief Executive and other appropriate officers  
Press and Public

**A briefing session for Members will be held at 9.30am**



**Mark Durnford**

**Democratic Services**

Lewis House, Manvers Street, Bath, BA1 1JG

Telephone: 01225 394458

Web-site - <http://www.bathnes.gov.uk>

E-mail: [Democratic\\_Services@bathnes.gov.uk](mailto:Democratic_Services@bathnes.gov.uk)

## 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, 13th June, 2024**

**at 10.00am 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.

(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 4.4 Appendix 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: 18TH APRIL 2024 AND 24TH APRIL 2024  
(Pages 5 - 14)

6. LICENSING PROCEDURE (Pages 15 - 18)

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 STATUS - 22/00116/TAXI (Pages 19 - 48)
9. CONSIDERATION OF FIT AND PROPER STATUS - 21/02399/TAXI (Pages 49 - 88)

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

**BATH AND NORTH EAST SOMERSET**

**LICENSING SUB-COMMITTEE**

Thursday, 18th April, 2024

**Present:-** Councillors Steve Hedges (Chair), Toby Simon and George Tomlin (in place of Ann Morgan)

**Also in attendance:** Carrie-Ann Evans (Team Leader, Legal Services) and Geoff Cannon (Public Protection Officer (Licensing))

**103 EMERGENCY EVACUATION PROCEDURE**

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

**104 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Councillor Ann Morgan had sent her apologies to the Sub-Committee and Councillor George Tomlin was present as her substitute for the duration of the meeting.

**105 DECLARATIONS OF INTEREST**

There were none.

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

There was none.

**107 MINUTES OF PREVIOUS MEETING: 21ST MARCH 2024**

The Sub-Committee **RESOLVED** to approve the minutes of the meeting held on 21<sup>st</sup> March 2024.

**108 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.

**109 APPLICATION FOR A VARIATION OF A PREMISES LICENCE FOR: ELECTRIC BEAR BREWING COMPANY LTD, UNIT 12, THE MALTINGS, BRASSMILL LANE, NEWBRIDGE, BATH. BA1 3JL**

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. He explained that the applicant was seeking the following variations to the existing licence:

To extend the sale of alcohol hours (for consumption on and off the premises) on Wednesdays to match the hours on the current Premises Licence hours for Thursdays i.e., 11:00 to 22:00.

He informed the Sub-Committee that no representations had been received from the Responsible Authorities and two objections had been received from members of the public expressing concern that the applicant's proposals were likely to undermine the Prevention of Public Nuisance, Licensing Objective.

Clive Milner and Libby Baggett addressed the Sub-Committee on behalf of the applicant and said that they were seeking the variation to the licence to have the option to run additional events and did not anticipate that they would use the extra hours every week.

They stated that they are mindful of their neighbours, have signage in place to ask customers to leave quietly and often close before their licensed hours have been reached.

In response to questions from Councillor Toby Simon and one of the objectors, Nigel Gardner, Libby Baggett said that the roller shutter to the premises would be closed during the extra hours and that they did not plan to use the outside area of the premises.

Nigel Gardner addressed the Sub-Committee and explained that the site acts as an echo chamber where noise bounces around and that on some evenings customers can be heard from his home in Osborne Road.

He stated that he was concerned that these additional hours would lead to the premises applying in the future to open in the evenings throughout the rest of the week.

Clive Milner replied to say that there were no plans to open on either Mondays or Tuesdays as it is a large effort for the staff to open the premises as a tap room.

The Chair asked how many houses were situated in Osborne Road.

Nigel Gardner replied that there were 23, including 2 HMOs.

Clive Milner made a summing up statement on behalf of the applicant. He said that they were simply seeking three additional hours on a Wednesday evening for mainly private events and would keep the roller shutters closed during these hours.

Nigel Gardner made a summing up statement. He said that he did not believe that this was the right place to have an entertainment venue, but he welcomed the condition that had been offered by the applicant and acknowledged that it can be difficult to control customers leaving a licensed premises.

### Decision & Reasons

Members have determined an application for a variation to the Premises Licence at Electric Bear Brewing Company Ltd, Unit 12, The Maltings, Brassmill Lane, Newbridge, Bath, BA1 3JL. In doing so they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy, Human Rights Act 1998 and case law.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and must only do what is appropriate and proportionate in the promotion of the licensing objectives on the information before them. Members reminded themselves that each application must be considered on its own merits.

Clive Milner Operations Director of Electric Bear Brewing addressed members in oral submissions on behalf of the applicant. He was accompanied at the hearing by Libby Baggett Operations Manager. He explained to Members that the brewery had been on site for about 8 years and the purpose of the variation application was to host additional events on a Wednesday evening, such a pottery making and quiz nights, without interrupting their normal business. On questioning, Mr Milner indicated that the internal capacity of the premises is 60 people, the business asks people to leave the premises as quietly as possible and they have signage up asking customers to do this as well.

Members had regard to the written objections from Mr Nigel Gardner and Mr Simon Thomas who live within the vicinity of the premises on Osborne Road and have expressed concern that the proposal is likely to undermine the prevention of public nuisance licensing objective. Members heard from Mr Nigel Gardner in oral representations who indicated that half of the nuisance is caused by the construction of the premises. He went on to explain that people who go to the premises are under the impression that they are off grid. He explained to Members that the problem occurs when residents go to bed. He noted that whilst the applicant has indicated they would only use the licence for limited means which seem innocuous, events can spill over and if granted it would be a licence for selling alcohol. On questioning, Mr Gardner indicated there are 23 houses on Osborne Road, 2 HMOS which cause no trouble, and some of which include families. He indicated that he has no objection to the brewery itself, it is the entertainment aspect that he objects to.

Noting the concerns expressed by residents living on Osborne Road in relation to the prevention of public nuisance licensing objective, Members welcomed the assurances made by Mr Milner and Ms Baggett that:

- the business would not be looking to extend their licensable activities to include Monday or Tuesday,
- they would keep the shutters closed on a Wednesday evening,
- the proposal is for the Wednesday evening to be for private events,
- they ask staff to call last orders as early as possible, and
- they have a notice outside the premises asking customers to leave quietly.

In determining this application Members were careful to take account of the relevant written and oral representations both for and against the application and balanced their competing interests.

Members noted that there had been no representations from Responsible Authorities such as the Police or Environmental Protection.

Members were satisfied on the evidence they had heard and read that with the condition offered by the applicant in relation to closure of the roller shutter, the application would not undermine the prevention of public nuisance licensing objective. Authority is therefore delegated to the licensing officer to issue the licence together with the following condition which Members consider to be appropriate and proportionate in the promotion of the prevention of public nuisance licensing objective:

- (1) The roller shutter to the premises shall remain closed between 1900 hours and 2200 hours every Wednesday unless in the case of an emergency.

**110 APPLICATION FOR A VARIATION OF A PREMISES LICENCE FOR BARGAIN BOOZE, 18 HIGH STREET, KEYNSHAM, BRISTOL. BS31 1DQ**

This application was withdrawn from the agenda for the Sub-Committee as an agreement had been reached between the applicant and the police. The police representation had therefore been withdrawn.

The meeting ended at 11.25 am

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**



## **BATH AND NORTH EAST SOMERSET COUNCIL**

### **LICENSING SUB-COMMITTEE**

Wednesday, 24th April, 2024, 10.00 am

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

**Officers in attendance:** Carrie-Ann Evans (Team Leader, Legal Services) and Geoff Cannon (Public Protection Officer (Licensing))

#### **111 EMERGENCY EVACUATION PROCEDURE**

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

#### **112 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

#### **113 DECLARATIONS OF INTEREST**

There were none.

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

There was none.

#### **115 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.

#### **116 APPLICATION FOR A NEW PREMISES LICENCE FOR: 10 GREEN STREET LIMITED, CHELTENHAM YARD, 5-9 CHELTENHAM YARD, BATH. BA2 3EX**

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. He explained that the application proposes the following licensable activities:

- The sale of alcohol for consumption on the premises from 12:00 to 22:00 every day.

He stated that the application also proposes the following opening times: 12:00 to 22:15 every day.

He said that the applicant had also supplied some additional information which had been circulated to both the objector and the members of the Sub-Committee prior to the meeting.

Terril Wolyn, agent for the applicant, addressed the Sub-Committee and stated that the application was for a licence for the sale of alcohol, alongside a pop-up restaurant in the courtyard of a premises already owned by the applicant.

She explained that the premises was within a mix of residential and commercial properties and that the application was modest, in terms of the hours that were being applied for.

She said that alcohol sales would only be allowed for consumption on the premises, no regulated entertainment would take place and there was to be no late night refreshment.

She stated that the applicants are of a responsible nature and have a number of local businesses that are run at a high standard. She added that they invest carefully in their premises and train their staff thoroughly.

She informed the Sub-Committee that as part of the licensing process they had consulted with the Police Licensing Team and said that they had decided that the conditions proposed were proportionate in order to support the licensing objectives. She said that no representation had been received from the other Responsible Authorities.

In addressing the one objection from the member of the public regarding the prevention of public nuisance and the protection of children from harm she said that this only relates to when children are on the premises and not where any such incident might affect their sleep / bedtime. In addition, she reminded those present that the conditions offered by the applicant had been deemed proportionate by the police to support the licensing objectives.

She explained that the applicant had considered the hours proposed within the application for a long time and that in mitigation signage would be placed on the premises to ask customers to leave quietly.

She stated that the style and nature of the premises would be that of a restaurant and that table service will be provided. She added that already having a business on site would mean that litter would not be an issue.

She said that the applicant wishes to maintain a good relationship with its neighbours and that they believe that the business will enhance the local area.

Councillor Toby Simon asked if access to the toilets for the premises were from the outside courtyard area.

Terrill Wolyn replied that they were.

Councillor Toby Simon asked how they had decided upon the hours to apply for, for the use of an outdoor area.

Terril Wolyn replied that legislation regarding off sales had been introduced following the Business & Planning Act 2020 which had deemed that outside areas could trade until 23.00. She added that this legislation was currently in place until 2025.

Councillor Toby Simon asked if the large gates to the premises would be open or closed during the proposed operational hours.

Terril Wolyn replied that the large gates would be closed and that access to the courtyard would be through a smaller gate. She added that no alcohol will be allowed to be taken off the site.

Councillor Toby Simon asked if the premises had the applicable planning status to use the courtyard for this purpose.

Debbie Still, the applicant, replied that it did and that this had been checked by her son.

The Chair asked how they would prevent the removal of alcohol from the premises.

Debbie Still replied that this would be covered thoroughly within the staff training and that they have good control measures in place in their other premises within the local area.

The Chair asked what the expected capacity of the premises would be.

Debbie Still replied that they have a figure of around 60 / 70 in mind, but would not want to overuse the site as the quality of the experience to be offered is important to them.

The Chair asked if they would ask noisy customers to leave the premises.

Debbie Still replied that this again would be covered in all training to staff and that they would have a zero-tolerance approach to any customers or groups that were causing a disturbance. She added that she wouldn't want this type of behaviour to affect the customers, staff or residents.

Emma Sinden, the objector to the application, informed the Sub-Committee that she lived directly opposite the main gates to the premises and asked if they planned for these to be replaced as they were quite old.

Debbie Still replied that they do intend to install new gates and to visually improve the area.

Emma Sinden asked if the use of the courtyard area would mainly be in the summer months.

Debbie Still replied that this was primarily the plan and that use would be weather dependent.

Emma Sinden asked if they had considered any measures to tackle the local issue of seagulls as they have been known to take food from resident's gardens.

Debbie Still replied that no food would be left out in the open and that tables would be cleared as soon as possible once customers had finished eating.

Emma Sinden addressed the Sub-Committee to make a statement regarding her objection. She stated that the local area was a mix of residential and commercial properties, with around 50 homes in the vicinity of the premises.

She said that she believed that 80% of the homes had children, with most around the age of 6-7 years old. She explained that in the summer months most of the homes need to have their windows open as they get very warm and so this could cause a potential problem from hearing noise from the premises.

She added that she felt that if the application is granted there would be a significant increase in noise in the street from people and traffic that will impact their daily lives. She said that she would have no complaints if the premises were to close at either 7.00pm or 8.00pm.

She informed the Sub-Committee that noise can be heard sometimes from the front outside area of a similar local premises Nowhere.

In summing up Terril Wolyn said that this was a simple application that was not looking to operate late hours and the applicants believe the premises will enrich the area.

She reiterated that no representations had been made by any of the Responsible Authorities.

She said that the application was a new concept for the existing business on site and that it would not be in use all year round.

Emma Sinden made a closing statement. She said that she felt that the hours / days of use of the courtyard area were unclear.

She stated that her objection remains in place as if the hours applied for are granted it will be detrimental to their quality of life.

### Decision & Reasons

Members have determined an application for a new Premises Licence at 10 Green Street Limited, Cheltenham Yard, 5-9 Cheltenham Yard, Bath, BA2 3EX. In doing so they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy, Human Rights Act 1998 and case law.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and must only do what is appropriate and proportionate in the promotion of the licensing objectives on the information before them. Members reminded themselves that each application must be considered on its own merits.

Members had regard to 1 lot of additional information provided on behalf of the applicant and circulated to the objector in advance of the hearing, this comprised 8 pages.

Terril Wolyn, agent for the applicant addressed members in oral representations. Ms Wolyn described the location of the premises to be a mixture of commercial and

residential with a railway track behind and a garage nearby. There are high stone walls surrounding the premises with gates at the front and it is proposed to erect lean-tos to help contain any noise emanating from the premises. Ms Wolyn explained that the applicant had carefully considered their application and the residents; they had applied for only one licensable activity modest in its nature, there was no application for late night refreshment or regulated entertainment. Ms Wolyn submitted to members that the protection of children from harm licensing objective was not engaged in relation to the objection before them. Ms Wolyn referred to the statutory guidance at paragraph 2.32 and noted that whilst the protection of children from harm includes moral and psychological harm, this relates to protecting children from harm when on the licensed premises. In relation to the prevention of public nuisance licensing objective, Ms Wolyn referred to paragraph 2.27 of the Statutory Guidance and the fact that it says beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in his own right.

In further submissions Ms Wolyn noted that as part of the legislative changes made by the Business and Planning Act 2020, premises that did not have off-sales of alcohol, during the time they were open on the premises, were able to trade for sale of alcohol off premises, until the cap of 2300 hours. Ms Wolyn noted that the applicant had taken this into account when thinking about the proposal for this premises.

Ms Wolyn noted that there had been no representations from the Responsible Authorities and submitted that the proposals and measures offered in the operating schedule were appropriate and proportionate; she referred to the fact that this has been confirmed by the Police Licensing Officer in their e-mail contained in the additional information.

Members had regard to the written objection from Ms Sinden who is a resident that lives directly opposite the premises, and they heard from her in oral representations. Ms Sinden expressed concerns that the proposal would undermine the prevention of public nuisance and protection of children from harm licensing objectives. In her written objection and orally she explained that the street is now almost entirely residential with a lot of families with young children living there. She explained that the way the houses are built means that they need to open the windows for ventilation when it is warm. The proposal to sell alcohol until 10pm would be hours after the children had been put to bed and the bedrooms face directly onto the street. Ms Sinden expressed concerns about clients loitering, drunken behaviour, people urinating on the street and up against their doorways, as well as the noise. She thought there would be a significant increase in noise.

On questioning, Ms Sinden indicated that she has no objection to something that finished earlier at 7 or 8pm. Ms Sinden further expressed concerns that the mitigations being put forward by the applicant were a bit vague in her view and having a restaurant selling alcohol would be detrimental to her quality of life due to noise.

In determining this application Members were careful to take account of the relevant written and oral representations both for and against the application and balanced their competing interests. Whilst Members understood Ms Sinden's keenness to

address them on all issues that gave her cause for concern, they disregarded issues not contained in her validly made written representation before them and irrelevant issues unrelated to the premises, such as anti-social behaviour associated with the AirBnBs in the vicinity and parking. Similarly, they could only consider the validly made representation before them, to the extent that parts of it were relevant.

With regard to paragraph 2.32 of the statutory guidance Members agreed with Ms Wolyn that the protection of children from harm licensing objective was not engaged as the representation of objection addressed concerns for children whilst in their homes, rather than on the premises. These concerns were related to potential public nuisance impacts on children, which members did have regard to.

Members noted that there had been no representations of objection from Responsible Authorities and that within the applicant's additional information, there was an e-mail from the Police Licensing Officer to the applicant's agent, indicating that they thought the proposals regarding how the business would be run, would promote all four licensing objectives and that the measures offered by the applicant are proportionate.

The Committee carefully considered the noise likely to emanate from the normal operation of an outdoor dining establishment, in a what is a dense residential area, and the impact in particular on young children if their window is open. On the other hand, there is significant urban noise in the area and intermittent noise from the elevated railway line. On balance the Committee did not consider the likely nuisance level to be such as to justify restrictions on the opening hours beyond those applied for as Members were satisfied that the measures offered by the applicant would promote the prevention of public nuisance licensing objective.

Authority is therefore delegated to the licensing officer to issue the licence as applied for.

The meeting ended at 12.16 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

### 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:**

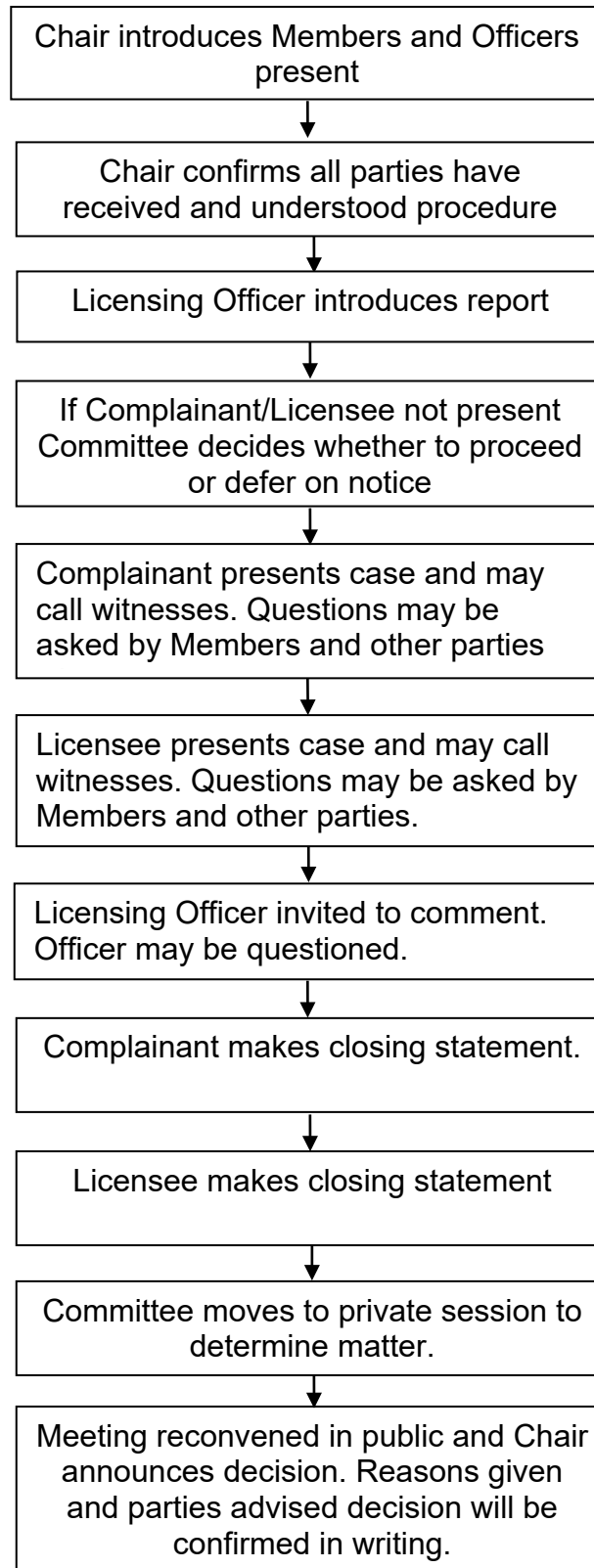
- Where the Committee considers it necessary the procedure may be varied.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence or defer to the next meeting. Should a matter be deferred the deferral notice will state that the matter may proceed in 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**



This page is intentionally left blank

**Access to Information Arrangements**

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

Information Compliance Ref: LGA-1841348

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 13<sup>th</sup> June 2024

Author: John Dowding

**Exempt Report Title: Consideration of Fit and Proper status -**

Exempt Appendix Title(s):

**Exempt Annex A- Current Combined Hackney Carriage/Private Hire Drivers Licence.**  
**Exempt Annex B - Email Correspondence.**  
**Exempt Annex C – Conditional Caution Document.**  
**Exempt Annex D – Police Confirmation.**  
**Exempt Annex E – Statement From Licensee.**  
**Exempt Annex F – Policy on Hackney Carriage & Private Hire Licensing Standards for Drivers, Vehicles and Operators.**

The report and appendices contain 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.

Document is Restricted

This page is intentionally left blank

**Access to Information Arrangements**

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

Information Compliance Ref: LGA-1855299

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 13<sup>th</sup> June 2024

Author: Holly Woodrow

**Exempt Report Title: Consideration of Fit and Proper**

Exempt Appendix Title(s):

**Exempt Annex A - Current Licence.**

**Exempt Annex B - Failure To Produce Insurance Warnings.**

**Exempt Annex C - Failure to Produce MOT Warnings.**

**Exempt Annex D - Correspondence Relating to Previous Complaint – September 2015.**

**Exempt Annex E – Correspondence Relating to Previous Complaint – August 2022.**

**Exempt Annex F - Policy on Hackney Carriage & Private Hire Licensing Standards for Drivers, Vehicles and Operators.**

The report and appendices contain 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.

Document is Restricted

This page is intentionally left blank