

Licensing Sub-Committee

Date: Thursday, 22nd August, 2024

Time: 10.00 am

Venue: Council Chamber - Guildhall, Bath

Councillors: Steve Hedges, Toby Simon and Michael Auton

Chief Executive and other appropriate officers

Press and Public

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



NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

Paper copies are available for inspection at the Guildhall - Bath

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. 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.

Licensing Sub-Committee - Thursday, 22nd August, 2024

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.

(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: 25TH JULY 2024 & 1ST AUGUST 2024 (Pages 5 - 18)

6. LICENSING PROCEDURE (Pages 19 - 22)

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 - 21/02443/TAXI (Pages 23 - 62)

9. CONSIDERATION OF FIT AND PROPER STATUS - 22/00029/TAXI (Pages 63 - 96)
10. CONSIDERATION OF FIT AND PROPER STATUS- 22/00283/TAXI (Pages 97 - 190)

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

BATH AND NORTH EAST SOMERSET

MINUTES OF LICENSING SUB-COMMITTEE MEETING

Thursday, 25th July, 2024

Present:- **Councillors** Steve Hedges, Toby Simon and Ann Morgan

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

25 EMERGENCY EVACUATION PROCEDURE

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

26 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

27 DECLARATIONS OF INTEREST

The Chair, Councillor Steve Hedges, informed the meeting that he had previously helped one of the persons attending in support of a Licensee with a planning application as he lives within his ward. He stated that this in no way would have any impact on his impartiality during the meeting.

All parties present were asked if they had any objection to the Chair remaining in the meeting and all declared that they did not.

28 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

29 MINUTES OF PREVIOUS MEETING: 11TH JULY 2024

The Sub-Committee **RESOLVED** to approve the minutes of the meeting held on 11th July 2024.

30 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.

31 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.

32 CONSIDERATION OF FIT AND PROPER STATUS - 22/00342/TAXI

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. He 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.

Following his summary of the report the Public Protection Officer (Licensing) showed the Sub-Committee a video, around 30 seconds in length, of the conclusion of the latest alleged incident which had been filmed by the complainant whilst driving.

The licensee addressed the Sub-Committee and began by thanking the Public Protection Officer (Licensing) for his part in this process. The licensee explained that he had brought with him a number of written submissions, that comprised of a personal statement, accompanied by 18 annexes, which included some character references.

The Sub-Committee asked the licensee and his representative to retire whilst these were considered for a short period of time.

On resumption of the meeting the licensee's representative addressed the Sub-Committee. He stated that the licensee was a dedicated and exemplary driver who was responsible, meticulous and punctual.

He added that the licensee's role involves driving school runs, that he has a friendly demeanour, is dedicated to his work and provides an invaluable service to the local community.

The Lead Officer (Licensing) queried part of the personal statement submitted by the licensee. He said that he did not agree that he had said words to the effect of 'having a taxi sign on your roof makes you a target'. He believed that whilst advising the licensee about his behaviour following a previous incident that he had said that whilst having this role as a taxi driver their vehicles are more noticeable and could therefore be more open to complaints.

The licensee acknowledged this and agreed that they had had previous conversations about his behaviour.

Councillor Toby Simon referred to the video clip that they had been shown and asked the licensee if he had been using the taxi / bus lane to make his progress through that area of city (Churchill Bridge Roundabout).

The licensee replied that this was correct and that the video was taken after the complainant had cut him up on the Wellsway. He added that he was signing to the complainant that she should not be using her phone whilst driving.

He stated that in no way was he trying to antagonise the situation and that his wife was with him in his vehicle at the time. He said that the complainant had brake checked him during the journey down the Wellsway into the city centre and that when he left the Churchill Bridge Roundabout he pulled into the nearby petrol station.

The Lead Officer (Licensing) asked, after the initial incident on the Bear Flat, why he didn't take the decision to not engage any further with the complainant.

The licensee replied that he had not been driving aggressively and that he had probably flashed his lights at the complainant because he was shocked by the manner in which she was behaving. He said that he felt that the incident was over, but the complainant had decided to carry it on.

The Chair asked the licensee if he could address the Sub-Committee on the other issues raised within the report from the Public Protection Officer (Licensing).

The licensee replied that having provided previous statements that were contained within the agenda pack of the Sub-Committee that he did not have much more to add to these. He said that he has immense pride in the work that he does and that the references that he has submitted have made him realise the importance of his role to the community.

He stated that he regrets being in this position and would endeavour not to be here again.

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 a complaint made against him as well as his licensing record. 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 had considered additional information in the form of:

- a witness account from the licensee's wife who was present in his vehicle at the time of the latest alleged incident;
- a witness statement from an independent third party who said he had witnessed the latest incident; and
- video footage provided by the most recent complainant.

At the point when it was the licensee's opportunity to address Members, he indicated that he had some written representations with 18 annexes, for Members' consideration. As such, Members asked the licensee and his representative to retire whilst these were considered.

Having reconvened, Members heard from the licensee in oral representations. He indicated that in relation to the 2024 allegation he did not antagonise the complainant at all and that her behaviour was shocking and left his wife visibly shaking and disturbed. The licensee explained to Members that he had learned his lesson. In

relation to the written material he had presented to Members, he indicated that he wanted to convey what kind of person he is and his character.

He explained to Members that his explanations in relation to each of the incidents contained in the report pack stand as his account in relation to those incidents.

Members also heard from another driver and operator who had attended to support the licensee. He read aloud a character reference for the licensee which described him as a dedicated and exemplary driver who is meticulous in his approach to ensuring the safety and well-being of the children he transports. The reference spoke about overwhelmingly positive feedback that he had received from parents and colleagues as well as his friendly demeanour, patience and ability to handle any situation with calm and competence.

Members noted that the licensee had been a driver with BANES for nearly 26 years. During this time, there had been a catalogue of complaints against him and an incident of non-compliance with a condition of his licence. These matters occurred relatively frequently in 2010, 2013, 2014, 2018, 2019, 2021, 2023 and 2024.

The licensee has six allegations against him for being verbally abusive, driving aggressively and/or using rude gesticulations. The complainants included a BANES councillor, a BANES Civil Enforcement Officer, another vehicle user and another licensed driver.

Members had regard to the licensee and his witnesses accounts in relation to these allegations, but Members find on balance that there is a clear pattern of behaviour where he shows aggression and uses offensive hand gestures when he finds himself in challenging situations. As a licensed BANES driver, he is expected to be an ambassador for BANES and an example of professionalism, good manners and careful driving.

Given the weight of evidence from many unrelated, independent sources, Members find on balance that he is not currently fit and proper to hold a combined Hackney Carriage/Private Hire Driver's Licence. That said, they weigh this against the material submitted by the licensee that commends his behaviour, such as the character references from 2010 and 2024, the Councillor letter from 2016 regarding his excellent customer service, and his clean driving licence.

They also take into account the remorse that the licensee has shown today. Accordingly, they think that after appropriate learning and reflection, the licensee will be a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's licence again.

Members therefore take the following action:

The Licensee's licence will be suspended for a period of one month during which time he shall complete an online anger management course accredited at QLS level 2 involving not less than 20 hours learning, agreed in advance by the licencing team and shall provide a certificate of completion. In the event that he cannot complete the course within the one- month period, his licence shall be suspended until he provides the certificate of completion.

If Members find the licensee before them in similar circumstances again, he is at risk of revocation of his licence.

33 CONSIDERATION OF 'FIT AND PROPER' STATUS - 22/00891/TAXI

The Lead Officer (Licensing) introduced the report to the Sub-Committee. He 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.

He apologised for an error in the report at section 3.3 and said that the date referred to should be 18th March 2024, not 2023.

The Team Leader, Legal Services explained that the Sub-Committee had received the witness statements that had been provided by the licensee's solicitor.

The licensee's solicitor addressed the Sub-Committee and said that he questioned the Council's decision to suspend the licensee following the most recent alleged incident. He said that this was tricky to respond to as no further correspondence had been received from the complainant.

He said that the licensee has no convictions against him and that two of the incidents that the Council had been made aware of, as part of an information sharing agreement with the Police, predate the licensee's initial application.

The licensee's solicitor asked the licensee to give his account of the alleged Uber incident on 9th March 2024.

The licensee said that he was first made aware of the incident when contacted by the Licensing department on 9th April 2024. He said that he didn't know anything about it and that it must be false. He explained that having initially checked his list of jobs for 9th March 2024 he had realised that it would have been recorded as a journey that would have been carried out on 8th March 2024 due to the system used by Uber.

The licensee said that he had not intended to deceive anyone by his initial denial. He added that he has a 4.99 out of 5 rating on Uber and has carried out 1,000s of journeys.

The licensee's solicitor asked the licensee about his work ethic.

The licensee said that he always waits for his passengers to engage in conversation with him first.

The licensee's solicitor asked the licensee to give his account of the alleged Veezu incident in 2023 when he had been accused of putting his hand down the trousers of a male passenger.

The licensee replied that this allegation was not true and that he was only made aware of it when the Police visited his home around two weeks after the date of the

journey in question. He stated that he showed the Police the dashcam footage from his vehicle and that no further action was taken.

He stated that the booking for this journey had been made by a female on behalf of a male passenger who wanted to travel to Bristol from Bath. He explained that it was booked as 'cash job', but that on commencement of the journey the male passenger said that he did not have any money on him.

The licensee said that they agreed to drive to a cashpoint at the Tesco Express on Windsor Bridge, but the male passenger was unable to obtain any money. He said that at this point the male passenger asked to be taken back to Bath city centre, at which point he refused. He stated that the male did not seem angry at this point and left of his own will.

The licensee's solicitor asked the licensee to give his account of the alleged workplace complaint from 2020.

The licensee explained that following a complaint made by a colleague he had been suspended for one and a half months whilst an internal investigation took place. He stated that no further action was taken against him and that he was asked to return to his role.

The licensee's solicitor asked the licensee to give his account of the alleged incident in 2014.

The licensee said that he had met a female on a number of occasions and became friends. He added that this became more of a relationship and that they had engaged in consensual sex. He explained that he had been arrested following an allegation from her, but that no further action was taken by the Police as the allegation was withdrawn.

The licensee's solicitor asked the licensee if he felt he remained 'fit and proper' to carry out his role as a Hackney Carriage/Private Hire Driver.

The licensee replied that he believed that he was and that he likes to help people as much as possible.

The Chair asked if he had any further comments on the allegations that had been made against him.

The licensee stated that the workplace concerned at the time was quite a toxic environment to work in and that if staff took extra breaks, especially when busy, it was part of his role to ask them to return to their duties. He surmised that the colleague who made the allegation must not have liked this and decided to try to get rid of him.

The licensee's solicitor made a summing up statement. He said that none of the incidents that have been alleged against the licensee have been pursued following any initial investigations and that no further action has been taken by the Police or any other body. He said that he maintained his view that the decision to suspend the licensee was incorrect and that he should have his licence reinstated.

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 a complaint made against him as well as information received from the Police under an Information Sharing Agreement. 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 had considered additional information in the form of two witness statements from the licensee's colleagues at the time of the 2020 incident which was a workplace allegation. They had regard also to a statement made by the licensee for the purposes of his first licence application which was referred to licensing sub-committee.

Members heard from the licensee in oral representations who was taken through each allegation by his solicitor. In summary the licensee provided as follows:

- (1) In relation to the 2024 complaint, he did make the journey, but he denied that there was any truth to the allegation.
- (2) In relation to the 2023 allegation, he provided Members with a detailed account of what happened which was that the job had been booked by a female, however it was her male companion that was going to take the journey. It was a cash job, so he took the male to the cashpoint as a gesture of good will. The male was unable to obtain any cash and the licensee was not willing to complete the journey without payment upfront. There had been no conduct such as that described by the complainant who had sat in the rear passenger side of the vehicle. He explained to Members that the police had attended his property two weeks later to investigate the allegation. They had asked to see his dashcam footage which faced into his vehicle, and he had willingly shared this with them. They viewed the footage, seemed happy with it and left his property.
- (3) In relation to the 2020 workplace complaint the licensee denied the allegations and said they had been the subject of an internal HR investigation which had found there was no wrongdoing and allowed him to resume his role as Store Manager. Members had regard to the two witness statements of his colleagues at the time.
- (4) In relation to the 2014 allegation, the licensee indicated that he had been struggling emotionally at this time and had entered into a relationship with a female friend which had become sexual and consensual. He had subsequently been arrested as a result of the allegation she had made. He offered to provide DNA and undertake a lie detector test however he was released without charge.

The Licensee explained to members that he undertakes his role to a high standard, greets his customers with kindness, gets out of his vehicle to help customers with

their luggage. He said he likes to help his community and loves Bath. He would like to continue working here for the rest of his life.

The Licensee’s solicitor addressed Members in closing submissions.

Members carefully considered the information that they had heard and read and weighed it in the balance, disregarding any irrelevant information.

Members fully understood the officer decision to immediately suspend the licensee’s licence in the interests of public safety, which had been taken in good faith on the evidence before them at that time.

They considered the issue of whether or not the licensee is fit and proper to hold a combined Hackney Carriage/Private Hire Driver’s licence with an open mind based on the evidence before them today and conclude that the evidence weighs in favour of a finding that the licensee is a fit and proper person to hold a combined hackney carriage/private hire driver’s licence.

The meeting ended at 2.04 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Thursday, 1st August, 2024, 10.00 am

Councillors: Steve Hedges (Chair), Ann Morgan and George Tomlin

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

1 EMERGENCY EVACUATION PROCEDURE

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

2 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Toby Simon and Cllr George Tomlin was present as substitute for the duration of the meeting.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

5 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.

6 APPLICATION FOR A VARIATION OF A PREMISES LICENCE FOR: BEST ONE, 8 TERRACE WALK, BATH. BA1 1LN

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 premises licence:

To extend the permitted hours for the sale of alcohol for consumption off premises from 6am to midnight every day to 8am to 3am every day and to amend opening hours accordingly.

He informed the Sub-Committee that two representations had been received within the statutory period from a Councillor and a member of the public. They expressed concerns that the applicant's proposals are likely to undermine the Prevention of Crime and Disorder, Prevention of Public Nuisance and Public Safety Licensing Objectives.

He also explained that following consultation with the police, additional measures to those already contained in Annex 2 of the current Premises Licence have been offered by the applicant to promote the licensing objectives.

Mr Donne, Licensing Consultant, addressed the Sub-Committee on behalf of the applicant. He outlined the reasons for the request to vary the Licence and explained that the Licensee is a very experienced operator.

Mr Raichura, the applicant, explained that he is trying to rebuild his business post-Covid and that he also trades from a premises in Broad Street, Bath. The Broad Street premises currently opens until 3am on Fridays and Saturdays and until 1am on Wednesdays and Thursdays. The Terrace Walk premises sells a wide range of goods and not just alcohol.

Mr Donne also pointed out that if there were any incidents in the area, then CCTV would be available for the Police to view. The applicant would also have access to the Pub Watch system and so would be aware of any individuals who should not be permitted to buy alcohol. He stated that the representations raised did not provide any evidence to support their claims.

In response to a question from Cllr Tomlin Mr Raichura stated that he expected that the Terrace Walk store was likely to open at the same times as the Broad Street store and so was unlikely to be open until 3am every day.

Cllr Steve Hedges asked whether the applicant would consider an additional condition requiring a sign to be placed near the exit asking customers to be quiet when leaving the area. The applicant stated that he would be happy to accept this as an additional condition.

Cllr Paul Roper addressed the Sub-Committee stating that, whilst he supported the nighttime economy, he felt that a number of his constituents were not aware of this request to open the store until 3am. He raised concerns about anti-social behaviour such as increased noise, people congregating in the area and disruption for local residents.

Mr Donne highlighted the fact that there is a statutory requirement to advertise the request to vary the licence and that signs have been displayed in the shop window, the request has been advertised in the local newspaper and was also available on the Council's website. In response to a question, Cllr Roper confirmed that he has not received any complaints about the shop itself but had been made aware of residents' concerns about anti-social behaviour in this area.

Mr Mason, Site Director for the Labyrinth nightclub addressed the Sub-Committee and raised concerns about the impact of people being able to purchase alcohol from the shop up until 3am. He explained that a nightclub can ID check its customers, prevent people from buying more alcohol if already inebriated and has trained staff and a medic on site. There are also dispersal policies when people are leaving the nightclub. These mitigations would not be in place for off-licence sales. He did not believe that there is a need for people to be able to purchase alcohol at the times proposed.

Cllr Tomlin asked whether staff would be able to access the Disc system to access the Pub Watch information. Mr Mason explained that this can take some time to be updated and noted that retail staff may require assistance from the Police and Security staff if there were any issues.

Cllr Morgan asked whether the proposed licence variation would affect the nightclub's business. Mr Mason stated that the shop was well run but that he had some concerns for people's safety and for the homeless community.

Cllr Hedges asked why Mr Mason felt that one SIA (Security Industry Authority) worker who would be highly trained would not be adequate for the shop. Mr Mason explained that with a retail premises it would not be possible to see who is consuming the alcohol and this could encourage underage drinkers who could ask other people to purchase it on their behalf.

Cllr Paul Roper summed up by stating that he had concerns regarding the application for a variation to the licence in this location and at the times proposed.

Mr Donne summed up by stating that this is a well-run business and that no objections have been received from either the police or local residents. He believed that the proposed conditions are appropriate and noted the option to review the licence if there were any issues at a future date.

Decision and Reasons

Members have determined an application for a variation to the Premises Licence at Best One, 8 Terrace Walk, Bath, BA1 1LN. 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 additional information comprising a skeleton argument and witness statement that had been submitted in advance of the hearing, in support of the application. This had been shared in advance, with the parties that had objected to the application.

Bill Donne Licensing Consultant and Pankaj Raichura (Director and Premises Licence Holder) addressed Members in support of the application. Mr Donne explained to Members that the police had been consulted prior to the submission of the application and had recommended conditions which the applicant considered to be appropriate and proportionate. He noted that the police, being the authority that takes the lead in relation to crime and disorder and anti-social behaviour, had not made any objections to the application. Looking at crime statistics mapping Mr Donne noted that the concentration of criminal behaviour appeared to be elsewhere rather than in the area of the premises. In addressing Members on the objections to the application, Mr Donne submitted that Terrace Walk did not seem to be the issue, rather other areas further afield and he suggested that within the representations

Members had not been provided with any evidence to support the assertions. Mr Donne noted that the applicant was a very experienced operator and Members heard from Mr Raichura who referred to his written statement which Members had considered. On questioning, Mr Donne and Mr Raichura indicated that they would be agreeable to signage at the exit to the premises, asking patrons to be quiet until they leave the area and to be respectful of neighbours.

Members had regard to the written and oral objections from Councillor Roper and John Mason who is the Site Director of Labyrinth Nightclub. The objectors expressed concerns that the proposal would undermine the prevention of public nuisance, prevention of crime and disorder and public safety licensing objectives.

Councillor Roper expressed the view that the proposed extension of hours until 3am would lead to late night disturbances, encourage street drinking and public nuisance in the locality. He referred to problems relating to anti-social behaviour reported to him by his constituents in areas within his ward, issues related to urinating in cellars and streets, the noise, people playing on scooters and general disruption. Councillor Roper acknowledged on questioning that he had not received any representations from his constituents in relation to this application. He also acknowledged the extent of the statutory consultation process in relation to the application. Councillor Roper said his primary concern was the impact of noise, in extending the hours. In addressing Members in closing submissions, he said it was not about the operator, or training of the staff or what they do, but the time of day at which it is proposed to operate, that is the issue.

Mr Mason expressed concerns that access to take away alcohol from Best One would exacerbate issues with people who have been refused entry to premises. He believes that people who had purchased alcohol for consumption off the premises would stay on the benches, walls and around the area causing more of a nuisance. Mr Mason also expressed concern regarding proxy sales to enable people who had been refused alcohol at other licensed premises, or to enable underage people, to access alcohol. He indicated that he has a good relationship with the business and made no criticism of the operator.

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 the police who had engaged with the applicant on appropriate conditions, prior to the submission of the application. Members further noted that the statutory guidance under section 182 of the Licensing Act 2003 provides as follows:

In relation to Crime and disorder

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder.

In relation to the Prevention of Public Nuisance licensing objective:

2.27 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 their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to

place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Members were satisfied on the evidence they had heard and read that the application would not undermine the prevention of crime and disorder, prevention of public nuisance or public safety licensing objectives. Authority is therefore delegated to the licensing officer to issue the licence as applied for subject to the following additional condition as agreed to by the applicant, which Members consider to be appropriate and proportionate in the promotion of the prevention of public nuisance licensing objective:

Signage shall be erected in a prominent position at the exit to the premises asking patrons to be quiet until they leave the area and to be respectful of neighbours.

The meeting ended at 11.55 am

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.

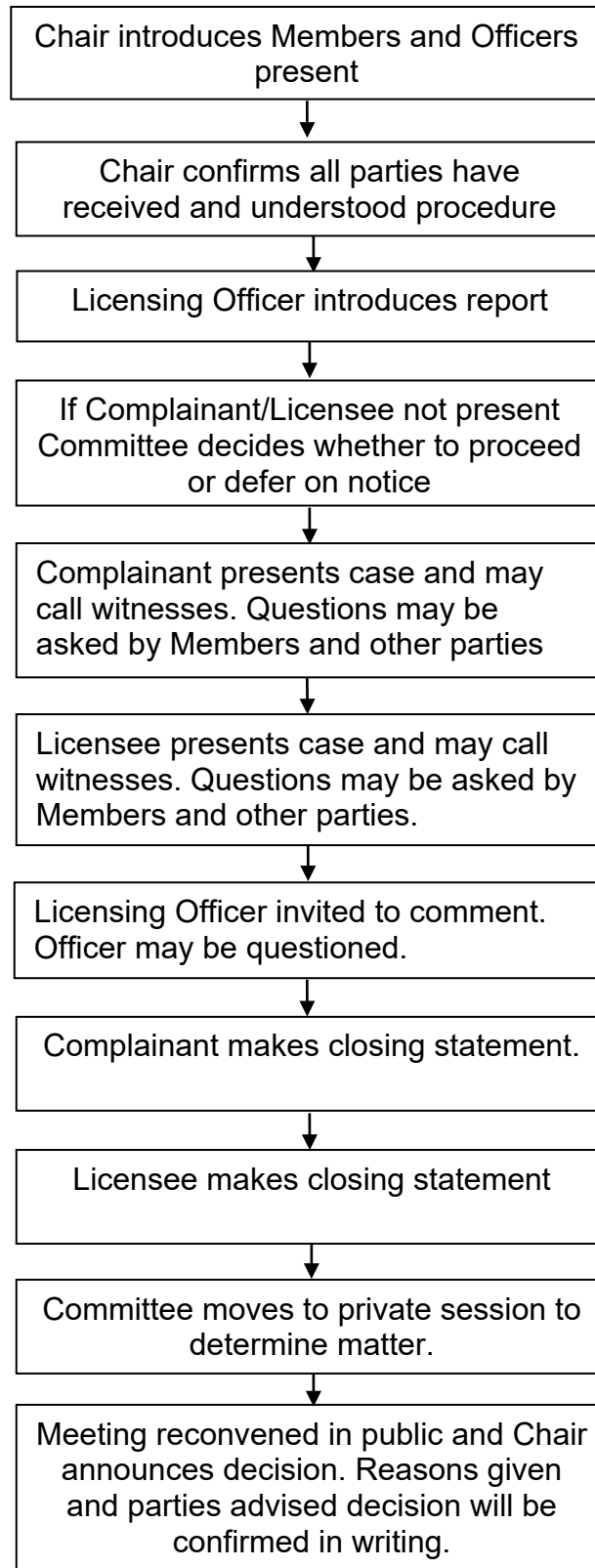
PLEASE NOTE:

- 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-1967846
Meeting / Decision: Licensing Sub-Committee
Date: Thursday 22 nd August 2024
Author: Holly Woodrow
<p>Exempt Report Title: Consideration of Fit and Proper status</p> <p>Exempt Appendix Title(s): Exempt Annex A - Current Combined Hackney Carriage/Private Hire Drivers Licence. Exempt Annex B – Current Private Hire Operator’s Licence Exempt Annex C – Initial Email from Licensee Exempt Annex D – Correspondence Regarding Use of Vehicle Without MOT Exempt Annex E – Warning for Late Provision of MOT Certificate Exempt Annex F – Statement from Licensee Exempt Annex G – Correspondence Regarding Undeclared Medical Condition Exempt Annex H – Minutes and Resolution of LSC hearing on 06/09/2011 Exempt Annex I - Policy on Hackney Carriage & Private Hire Licensing Standards for Drivers, Vehicles and Operators.</p>

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.

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Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA-1962262
Meeting / Decision: Licensing Sub-Committee
Date: Thursday 22 nd August 2024
Author: John Dowding
<p>Exempt Report Title: Consideration of Fit and Proper status</p> <p>Exempt Appendix Title(s):</p> <p>Exempt Annex A- Current Combined Hackney Carriage/Private Hire Drivers Licence.</p> <p>Exempt Annex B- Email Correspondence – Breach of Licensing Condition.</p> <p>Exempt Annex C – Email Correspondence – Gap in MOT Cover.</p> <p>Exempt Annex D – Minutes & Resolution of Licensing Sub Committee 29/10/2020.</p> <p>Exempt Annex E – Unacceptable Correspondence With Licensing.</p> <p>Exempt Annex F – Policy on Hackney Carriage & Private Hire Licensing. Standards for Drivers, Vehicles and Operators.</p>

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.

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Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA-1967872
Meeting / Decision: Licensing Sub-Committee
Date: Thursday 22 nd August 2024
Author: Wayne Campbell
<p>Exempt Report Title: Consideration of Fit and Proper status</p> <p>Exempt Appendix Title(s):</p> <p>Exempt Annex A- Current Licence.</p> <p>Exempt Annex B – Correspondence Related to Speeding Offences.</p> <p>Exempt Annex C – Extracted Page From Current Licence Conditions.</p> <p>Exempt Annex D – Previous LSC Minutes & Resolution.</p> <p>Exempt Annex E – Copy of Penalty Points.</p> <p>Exempt Annex F – Complaint from Police & Correspondence Relating to Relevant Booking Records.</p> <p>Exempt Annex G – Correspondence Relating to Licensing Enforcement Issue.</p> <p>Exempt Annex H – Copy of MOT Certificate.</p> <p>Exempt Annex I – MOT History Document.</p> <p>Exempt Annex J – Correspondence Relating to a Failed MOT Test and Gap in Cover.</p> <p>Exempt Annex K – Correspondence Relating to a Motoring Conviction.</p> <p>Exempt Annex L – Correspondence Relating to Unlicensed Driver & Private Hire Booking Records.</p> <p>Exempt Annex M - Policy on Hackney Carriage & Private Hire Licensing Standards for Drivers, Vehicles and Operators.</p>

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.

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