

Licensing Sub-Committee

Date: Thursday, 17th April, 2025

Time: 10.00am

Venue: Council Chamber - Guildhall, Bath

Councillors: Steve Hedges, Michael Auton and Samantha Kelly

Chief Executive and other appropriate officers
Press and Public

A briefing session for Members will be held at 9.30am



Mark Durnford

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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. 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, 17th April, 2025

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: 20TH MARCH 2025 (Pages 5 - 10)

6. LICENSING PROCEDURE (Pages 11 - 14)

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. APPLICATION TO RENEW COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - CONSIDERATION OF FIT AND PROPER - 2025/APR/03/TAXI (Pages 15 - 82)
9. APPLICATION TO RENEW COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - CONSIDERATION OF FIT AND PROPER - 2025/APR/04/TAXI (Pages 83 - 126)

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, 20th March, 2025

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

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

132 EMERGENCY EVACUATION PROCEDURE

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

133 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

134 DECLARATIONS OF INTEREST

There were none.

135 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

136 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.

137 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.

138 CONSIDERATION OF FIT AND PROPER STATUS - 2025/MAR/01/TAXI

Decision & Reasons

Members were due to consider whether to renew the licensee's combined Hackney Carriage/Private Hire Driver's licence in the light of their BANES licensing record and having been charged with an offence.

The licensee did not attend the hearing but had contacted the Licensing Officer the morning of the meeting and indicated that they were fasting for Ramadan and not feeling well. They made a request that the hearing be dealt with in their absence or adjourned until after Ramadan.

As such, Members considered whether to defer the determination of this matter. They had regard to the procedure set out in the agenda reports pack which indicates *"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."*

Members noted the licensee's request and the fact that their licence had expired in any event, as such they decided to defer the hearing until such time as the licensee submits a new application for a Combined Hackney Carriage/Private Hire Driver's Licence. If they fail to attend on any such occasion, the matter may proceed in their absence.

139 CONSIDERATION OF FIT AND PROPER STATUS – 25/MAR/02/TAXI

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. He explained that they were being asked whether the licensee remains fit and proper to hold a combined Hackney Carriage/Private Hire Drivers licence issued by this authority.

Councillor Toby Simon asked if the licensee had undergone a DBS check as part of the application renewal process.

The Public Protection Officer (Licensing) replied that they had and it was clear.

In response to the matter raised on 31st May 2024 relating to their private hire vehicle having been observed being driven with no private hire operator door signs, the licensee asked what they were supposed to do if the operator does not have any.

The Public Protection Officer (Licensing) replied that this information would have been helpful in response to the email sent when this matter was first raised.

The licensee addressed the Sub-Committee and said that they had been doing the job for 30 years, loved doing it and loved helping people.

The licensee explained that they were dyslexic and had shied away from telling people all their life. They added that they have difficulty in responding to written queries, but had always responded to phone calls.

Councillor Simon said that he understood the difficulties that the licensee had raised, but explained to them that they have a responsibility to respond to enquiries from Council officers. He asked the licensee if they had anyone that could help them with these matters.

The licensee replied that they didn't really have anyone close to home who could help and that they have a sibling who lives in Trowbridge.

Councillor Simon asked the licensee how often they check their email account.

The licensee replied that they check it around every couple of weeks, scan through the messages and acknowledged that they might miss important messages.

Councillor Ann Morgan asked the licensee if they had been diagnosed as having dyslexia.

The licensee replied that they had been told they had dyslexia in 1967 and received some special lessons at school. They added that they do not have a modern diagnosis from a doctor.

The Team Leader, Legal Services asked the licensee how they feel about the licence renewal application process.

The licensee replied that it fills them with extreme panic.

Councillor Simon asked the licensee if they had considered contacting any organisations that could help with their dyslexia.

The licensee replied that they had not.

Councillor Simon read aloud the complaint that had been received from Uber in October 2024. He asked the licensee if they had made the alleged comments to a customer and whether they could confirm they had been the driver in question.

The licensee replied that he did not believe that it could be them as they would never have made such comments.

The Team Leader, Legal Services asked how Uber attribute complaints when they are received.

The Public Protection Officer (Licensing) replied that this is done through their booking records.

Councillor Simon asked the licensee if they would be able to check the booking details for that evening on the Uber app.

The licensee, having checked the app, confirmed that they were driving at the time of the booking in question. They added that the fare had cost £5.82 and the trip was between Dorchester Street and Lansdown Road. The licensee stated again that they would not have made the alleged comments.

The Team Leader, Legal Services asked if they had received a tip or rating for the fare.

The licensee replied that they had not.

The Team Leader, Legal Services asked if they had been reinstated by Uber.

The licensee replied that they had as Uber had concluded that there was no case to answer.

Councillor Ann Morgan asked how the licensee felt about the allegations that had been made.

The licensee replied that it felt horrible to have been accused of saying such things.

The Chair stated to the licensee that should the Sub-Committee decide that they can keep their licence they must find a way to access their emails on a regular basis, understand them and reply to those that require such an action.

The licensee said that they had nothing further to add apart from they want to be able to carry on doing their job.

Decision & Reasons

Members have had to consider whether to renew the licensee's combined Hackney Carriage/Private Hire Driver's licence in the light of a complaint from a member of the public, failures to comply with reasonable requests of licensing officers and their driving 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 heard from the licensee in oral representations who indicated that they have dyslexia and problems responding to the written word which is why they had not responded to the email requests from Licensing. They said that they have been a licensed driver for over 30 years and like the job and helping people. Whilst they acknowledged that they had undertaken the job in October 2024 from which the sexual harassment allegation has arisen, they firmly denied the allegations and said they were not things that they would have said.

They had denied the allegations when Uber had requested their account and had been reinstated to the Uber platform as Uber had found no case to answer.

In relation to the allegation that the licensee had driven their private hire vehicle in May 2024 without private hire operator door signs displayed, the licensee indicated this was because the operator did not have any door signs. The licensee accepted

that they must try harder to manage their affairs and in summing up said they were a decent person who wants to carry on doing the job.

In relation to the complaints from 2019 and 2021, Members noted that no further action had been taken in relation to those, and they did not seek to revisit them.

In relation to the May 2024 allegation Members noted that the licensee's explanation that the operator does not have door signs was credible. In relation to the October 2024 complaint Members noted that it was one person's word against another, the complainant had not responded to requests for further information from the Licensing Section and Uber had reinstated the licensee to the platform, the licensee having issued a complete denial of all the allegations made.

Members were fully appreciative of the difficulties dyslexic people can have dealing with modern life in written form and have due regard to BANES' duties under the Equality Act 2010 however as a BANES licensed driver the licensee has a responsibility to comply with the requirements, conditions and legislation they are bound by.

Members noted that as part of the application renewal process an enhanced DBS check had been undertaken which was clear.

On balance, Members find that the licensee is a fit and proper person to hold the combined Hackney Carriage/Private Hire Driver's Licence on renewal, subject to satisfactory completion of the process, however, they issue a final warning to them that:

- i. They must ensure that they comply with all requirements, conditions and legal obligations upon them as a BANES licensed driver.
- ii. They must put measures in place to ensure that they comply with (i) above, which may involve seeking support for the dyslexia that they have reported.
- iii. The licensee must provide to the Licensing Section details of the measures they have put in place for (ii) above within 4 weeks from the date of this Committee i.e. by 17th April 2025.

If the Licensee is referred back to the Licensing Sub Committee following further non-compliance with the requirements of their licence or further failure to respond to requests from the licensing team they are at risk of revocation of their licence.

The meeting ended at 11.40 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.

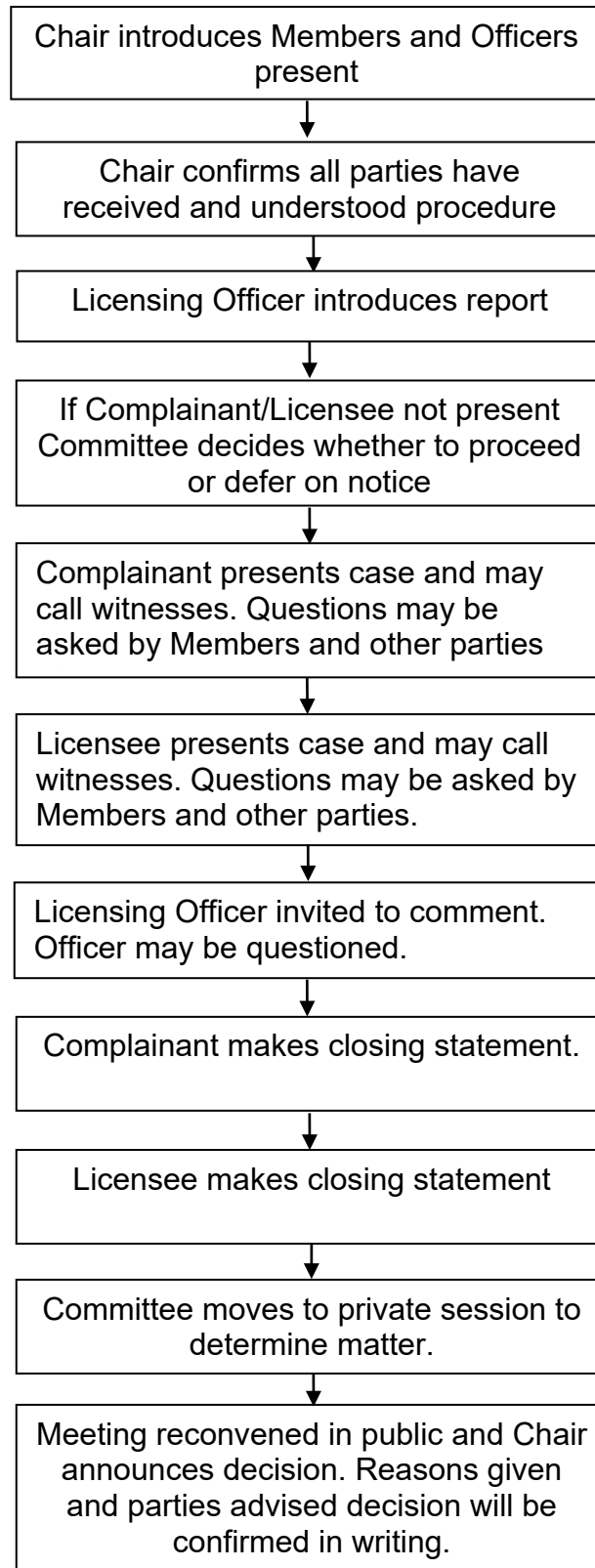
PLEASE NOTE:

- 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-2285333
Meeting / Decision: Licensing Sub-Committee
Date: 17 th April 2025
Author: Holly Woodrow
<p>Exempt Report Title: Application to Renew Combined Hackney Carriage/Private Hire Drivers Licence - Consideration of Fit and Proper</p> <p>Exempt Appendix Title(s): Exempt Annex A - Previous Licence Exempt Annex B - DBS Update Service Result Exempt Annex C - New DBS Check Result Exempt Annex D - Non-Disclosure Correspondence Exempt Annex E - Written Reminder Exempt Annex F - 2021 Complaint Correspondence Exempt Annex G - 2022 Complaint Correspondence Exempt Annex H - Correspondence Regarding Breach of Conditions 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 and appendices would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any information revealed by the Disclosure and Barring Service (DBS) is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

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-2296964
Meeting / Decision: Licensing Sub-Committee
Date: 17 th April 2025
Author: Holly Woodrow
<p>Exempt Report Title: Application to Renew Combined Hackney Carriage/Private Hire Drivers Licence</p> <p>Appendix Title(s):</p> <p>Exempt Annex A - Previous Licence Exempt Annex B - DBS Update Service Result Exempt Annex C - New DBS Check Result Exempt Annex D - Application Form Page Exempt Annex E - Non-Disclosure Correspondence Exempt Annex F - 2017 Complaint Correspondence Exempt Annex G - 2017 Warning Exempt Annex H - 2024 Door Sign Correspondence 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 and appendices would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any information revealed by the Disclosure and Barring Service (DBS) is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

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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