

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Thursday 15th May 2025, 10.00 am

Councillors: Ann Morgan (Chair), Shaun Hughes (in place of Steve Hedges), George Tomlin (in place of Toby Simon) and Ann Morgan

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

158 EMERGENCY EVACUATION PROCEDURE

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

159 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor Toby Simon had sent his apologies to the Sub-Committee, Councillor George Tomlin was present as his substitute for the duration of the meeting.

Councillor Steve Hedges had sent his apologies to the Sub-Committee, Councillor Shaun Hughes was present as his substitute for the duration of the meeting.

160 DECLARATIONS OF INTEREST

There were none.

161 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

162 MINUTES OF PREVIOUS MEETING: 3RD APRIL 2025 & 17TH APRIL 2025

The Sub-Committee **RESOLVED** to approve the minutes of the meetings held on 3rd April 2025 and 17th April 2025 and they were duly signed by the Chair.

163 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.

164 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.

165 CONSIDERATION OF FIT AND PROPER STATUS - 2025/MAY/01/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 their combined Hackney Carriage/Private Hire Drivers licence issued by this authority.

Councillor Shaun Hughes asked for confirmation that despite not providing their insurance documents on time to the Licensing department, the licensee's vehicle had always been covered.

The Public Protection Officer (Licensing) replied that the licensee's vehicle had always had valid insurance cover in place. They also confirmed that an insurance certificate has to be sent to the Licensing department within 7 working days of the expiry of the certificate.

The licensee addressed the Sub-Committee to explain the points raised within the report.

The licensee referred to the incident on 7th September 2015 when an allegation of overcharging had been made against them. They said that on this evening some previous customers had ran away and not paid their fare and so he had asked for a deposit and would repay any difference at the end of the journey.

The licensee stated that on completion of the journey they had offered change, just under £2, but this had not been taken by the last person to leave the vehicle.

The licensee referred to the incident on 25th June 2015 when an allegation of refusing to drop a customer at their requested destination and being rude and aggressive had been made against them. They said that when taking a customer to Wellsway Dental Practice they had tried to explain that they could not park directly outside as it is a very busy road and wanted the customer to be safe. If the customer had opened the door they would have been at risk. The licensee said that they parked in a side road which was just a short walk away from the destination.

The licensee referred to the incident on 4th March 2025 when a complaint had been received from a member of the public alleging that they had been falling asleep during their journey, and that their vehicle was in poor condition. The licensee said that they had noticed that there was less pressure in one of their tyres, but said the customer had insisted they continue the journey. They said that when requested to do so they took their vehicle for an inspection from the Licensing team.

The licensee said that on the journey to Fairfield Park they had not been falling asleep and that the roads there were so narrow if they had been they would have surely had an accident. The licensee informed the Sub-Committee that they had received racist abuse while carrying out this journey.

The licensee referred to the incident on 10th March 2024, alleging that they were falling asleep during the journey and weaving on the road in their vehicle. The licensee said that they had been driving slowly while going down Dunkerton Hill and swerved at one point to avoid hitting a badger. The licensee said that they had not fallen asleep during the journey.

Councillor Shaun Hughes asked if the licensee if they regularly asked customers for a deposit before carrying out a fare.

The Licensee replied that they have done so if a journey was to take them outside the boundary of B&NES as they need to feel safe and said that customers have ran off previously. They added that if they were to complain to the police they would not get anything.

Councillor Shaun Hughes asked the licensee if they had reported the incident of racism to anyone.

The licensee replied that they had informed the Police sometimes, but no further action had been taken.

Councillor Shaun Hughes asked the licensee if they had any further comment to make regarding the allegations of falling asleep whilst driving.

The licensee replied that they do not drive if they feel tired and took regular breaks during the day. They added that their regular shift pattern was 1.00pm – 5.00pm and then 10.00pm - 1.00am with the break in between used to rest and see their family.

Councillor Shaun Hughes asked the licensee if they were taking any medication that had a side effect to make them tired.

The licensee replied that they did not.

Councillor George Tomlin asked the licensee why they had not previously mentioned the incidents of racism towards them.

The licensee replied that the procedure is normally quite long, with no outcome.

A friend of the licensee was present and said that they had personally had them as a driver for many years as well as asking the licensee to regularly drive an elderly friend and their mother. The friend added that the licensee was a family person, hard working and that they had never seen them fall asleep while driving. She added that the racism received by the licensee was completely unfair.

The licensee made a summing up statement to say that they loved working with the public in general and that they have always returned lost property left in their vehicle.

Additional information (an email) was presented to the attendees of the Licensing Sub-Committee by the licensee and their friend. The Chair accepted the additional information (an email confirming that the licensee is reliable, courteous, has driven their teenage daughter, they are kind and respectful).

Decision & Reasons

Members have had to consider if the licensee is fit and proper to continue to hold their combined Hackney Carriage/Private Hire Driver's licence in the light of a recent complaint from a member of the public and their BANES 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 noted that there were two lots of additional information before them comprising:

- i. an email dated 26/04/25 which was from one of the licensee's passengers to the Licensing Department. In the email, the passenger thanked the licensee for their honesty and helpfulness in returning their lost phone to them; and
- ii. an email dated 09/05/25 which was from a passenger who had known the licensee for 25 years and commended their reliability and courteousness. They referred to their kind, respectful nature and how they feel their daughter is in safe hands when being driven by the licensee.

Members heard from the licensee in oral representations and read what they had said in their written accounts to the Licensing Department as contained in the committee reports pack. The licensee was supported at committee by a companion who is a passenger of theirs and had known the licensee for a long time.

The licensee disputed being rude or aggressive to their passengers. They were upset regarding the allegations of overcharging and explained to members their account in that regard. The licensee denied using their mobile phone whilst driving and indicated they would not drive whilst sleepy as this would be dangerous. They gave an account in writing regarding their work pattern and rest schedule which they confirmed orally to members today. In relation to the failure to report a speeding conviction within the requisite period, the licensee indicated in writing that they had paid the fine and requested a Speed Awareness Course and thought they did not have a conviction. In relation to the false declaration regarding the previous conviction on their renewal application form, the licensee indicated that the friend that helped them with completion of the form, had clicked the wrong button.

Between 2016 and 2023 the licensee had been contacted on 4 occasions by the Licensing Department for failures to comply with the terms of their licence including, displaying their private hire plates correctly, providing insurance certificates within the requisite period and a declaring a motoring conviction.

Members noted that the Licensing Department had been contacted on 5 occasions between 2017 and April 2025 by people sharing positive feedback regarding the licensee. For example, the licensee had returned lost phones and wallets to passengers. Furthermore, an email had been handed up to members today commending the licensee's conduct as a licensed driver as being safe and reliable.

Members note that the licensee had been polite, co-operative and responsive in their dealings with the Licensing Department. Members found the licensee to be honest and credible in their account before them today. They noted the support of the licensee's companion who was in attendance at the Committee and their evidence that they had used the licensee as a driver "forever", that he had never fallen asleep whilst driving them, had safely conveyed elderly family friends and their Mum and they described the licensee as hard working.

The most serious passenger complaints against the licensee were in relation to sleepiness whilst driving, however, Members preferred the licensee's account in that regard. They believed their account regarding their work pattern and rest schedule and that they would not endanger their life or others by driving whilst tired. Further weight was added to the licensee's account by their companion who is a passenger of theirs and indicated orally to members that they had never experienced the licensee falling asleep whilst driving. In the light of this and the positive accounts regarding the licensee's conduct, members conclude that the licensee is a fit and proper person to continue to hold their combined Hackney Carriage/Private Hire Driver's licence. They note however, the matters on their file in relation to compliance with the requirements and conditions of their licences and issue a warning 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 from friends or family members, where required.

If the licensee is referred back to the Licensing Sub Committee following further non-compliance with the requirements of their licence they may be at risk of revocation of their licence.

Members are sensitive to the accounts of racism that have been directed towards the licensee which they view seriously. They respect the licensee's wish to deal with those matters however they feel appropriate but encourage them to report incidents of racism to the relevant authorities and, where applicable, to the Licensing Department in their dealings with them.

166 CONSIDERATION OF 'FIT AND PROPER' STATUS – 25/MAY/02/TAXI

Members were due to consider the licensee's application for renewal of their combined Hackney Carriage/Private Hire Driver's licence however, information came to light prior to the hearing that they had lodged an appeal to the Crown Court against the decision of the Bath Magistrates' Court to dismiss their appeal.

Members were aware that the licensee's solicitor had been informed of the intended deferral and that the licensee's attendance before the Licensing Sub-Committee today was not required.

In those circumstances, Members determined that it was appropriate to defer the determination of the renewal application until after the Crown Court appeal had been concluded.

167 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE: 2025/MAY/05/TAXI

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. He explained that they were being asked to determine whether the application for a combined Hackney Carriage/Private Hire Drivers licence should be granted by this authority.

The applicant's DBS certificate was shared by the Public Protection Officer (Licensing) with the Members.

Councillor George Tomlin asked for confirmation of when the Council considers a conviction to be expired.

The Public Protection Officer (Licensing) replied that this was normally five years after the date of conviction.

The applicant addressed the Sub-Committee and stated that their conviction in 2016 was for a totting up of offences and that they had learnt from these incidents.

The applicant informed the Sub-Committee that they were a Designated Premises Supervisor and a personal licence holder under the Licensing Act 2003.

The applicant said that if successful they intended to drive for a well established company within Bath and stated that they have no other convictions.

The Public Protection Officer (Licensing) asked the applicant if they remember the offence listed on the DBS certificate that led to the conviction.

The applicant replied that they did not remember the incident.

The Team Leader, Legal Services asked the applicant if they could recall any matter involving drink driving and excess alcohol.

The applicant replied that they could not, but acknowledged that they had made a mistake.

The Public Protection Officer (Licensing) commented that he felt that such an incident would be at least memorable in some way.

The applicant replied that this had been around 10 years ago and that they have tried to put it out of their mind.

Councillor Shaun Hughes said that clarity on this issue would be useful and asked the applicant if they had been stopped by the Police whilst driving.

The applicant replied that they had and that they remember being taken to Melksham Police Station. They added that they were breathalysed at the roadside and at the station. The applicant said that they had failed the test, but not by so much to warrant a direct conviction, hence the totting up conviction that has been received, as they had over 12 points on their licence. There had also been a court date.

Councillor George Tomlin asked if the applicant has had a clean driving licence since that time.

The applicant said that they have and that they have driven many miles in that time for their job.

Councillor George Tomlin asked the applicant if they would ever drink alcohol and drive again.

The applicant replied that they would not and stated that they wanted this new role to become their career.

The applicant made a summing up statement and said that they had learnt from their mistakes, were trying to move on with their life and had proved that they are now a different person.

Decision & Reasons

Members have had to consider if the applicant is fit and proper to be granted a combined Hackney Carriage/Private Hire Driver's licence in the light of the results of a Disclosure and Barring Service search. 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 applicant who indicated that they had learnt from their past mistakes, had become a different person over the last ten years and wanted to move forward with their career as a licensed driver. The applicant informed members that they are a personal licence holder under the Licensing Act 2003 and work as a Designated Premises Supervisor.

Members had regard to their Policy which anticipates that an applicant will not have been convicted of a serious motoring offence during the previous five years. Members noted that the applicant had remained conviction free for the period anticipated in the Policy.

Taking into account the Policy, the passage of time since the applicant's conviction and the applicant's account that they had learnt their lesson, Members were satisfied that the applicant is a fit and proper person to hold a Combined Hackney Carriage/Private Hire Driver's licence and delegate authority to the Licensing Department to grant the licence subject to the satisfactory completion of the remainder of the application process.

Members noted that part of being fit and proper is ensuring the safety of the travelling public and therefore members would discourage any drinking of alcohol whilst acting as a BANES licensee, even if that would fall below the legal limit.

168 CONSIDERATION OF 'FIT AND PROPER' STATUS – 25/MAY/04/TAXI

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

The Public Protection Officer (Licensing) explained that one piece of additional information had been received since the agenda pack had been published. He said that this was an email from BANES Passenger Transport dated 22nd April 2025 indicating that the licensee had been removed from their approved drivers list.

Councillor Shaun Hughes asked for confirmation that despite not providing their MOT and insurance documents on time to the Licensing department, the licensee's vehicle had always been covered.

The Public Protection Officer (Licensing) replied that the licensee's vehicle had always had valid MOT and insurance cover in place.

The licensee addressed the Sub-Committee regarding the safeguarding complaint and stated that they had made an out of character act and was not a threat to the children that had been travelling in their vehicle. The licensee said that they were sad that the children had been upset and that they hadn't appeared to be on the day of the journey. They stated that they would not do the same thing again and were saddened by their actions.

The licensee said that at the time they were under some pressure from attempting to start a new business and had already agreed to pick up a friend prior to accepting the school run.

The licensee explained that they had not declared to Veezu that they were picking up a friend, now a driver in their business, as they didn't want them to know that they were forming their own business.

The licensee said that the children appeared to be ok on arrival at school, but having seen the text messages to their parents they understand how they felt at the time.

The licensee said that they had not answered a call on the journey initially as they were driving and was then informed by one of the children that it was their mum trying to call.

The licensee stated that there had been no previous incidents relating to their driving.

Councillor Ann Morgan asked if they had learned from the incident.

The licensee replied that they had and understood the decision taken by the Passenger Transport Team.

The Public Protection Officer (Licensing) asked the licensee who they had spoken to on the phone during the journey.

The licensee replied that it was a Veezu operator.

Councillor Shaun Hughes asked for clarification as to who the licensee was picking up that morning and where they needed to take them to.

The licensee replied that it was a friend, another taxi driver, whose car had broken down and that they were taking them back to their vehicle that was in Victoria Park. They said that the request had then come through to cover a school run.

Councillor Shaun Hughes asked the licensee if they would normally speak to parents when picking up.

The licensee replied that they did not as the children were normally waiting outside their home.

Councillor Shaun Hughes asked if the boys were worried on the journey.

The licensee replied that they did not appear to be.

Councillor Shaun Hughes asked if the status of the person picked up, the other driver, could be verified.

The Public Protection Officer (Licensing) confirmed that the person was indeed a licensed driver.

Councillor George Tomlin asked the licensee if they were aware of the conditions of their licence regarding submitting documents.

The licensee replied that they were and had connected reminder notices to the renewal of their licence.

Councillor Ann Morgan asked the licensee if they could comment further on the allegation of using inappropriate language.

The licensee replied that on this occasion they were picking up a child from school for the first time and wanted to be sure that the child would be able to find them. They added that they were waiting for a space to park when approached by a member of the public. The licensee said that they had not been aggressive, but acknowledged that they should not have sworn.

The Team Leader, Legal Services asked the licensee if they could give any further response in relation to the allegation of parking their vehicle in a manner that was obstructing recycling vehicles.

The licensee replied that they had used to park in an area for around 20 minutes to visit their mum and had always felt that there was enough room for vehicles to pass.

The licensee gave a summing up statement and said that they had made an out of character mistake, for which they were very regretful. They added that they were very good at their job and would never do such a thing again.

Decision & Reasons

Members have had to consider if the licensee is fit and proper to continue to hold their combined Hackney Carriage/Private Hire Driver's licence in the light of a recent safeguarding complaint from a parent and their BANES 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 one lot of additional information comprising an email from BANES Passenger Transport dated 22/04/25 indicating that the licensee had been removed from their approved drivers list which meant they could not fulfil Passenger Transport contracts anymore.

Members heard from the licensee in oral representations and read what they had said in their written accounts to the Licensing Department. The Licensee indicated that their decision to pick up a fellow driver when fulfilling a home to school contract was very out of character, but they felt there was no threat to the children at any time. They described how they were very upset reading the text messages of the children subsequently and realised their mistake now.

The licensee indicated that they had been carrying out home to school contracts since before the pandemic and that the children like them. The licensee accepted their mistake in failing to provide the insurance documentation on three separate occasions, they did not try to excuse their behaviour and said that they have processes in place to ensure that this does not happen in future. They acknowledged that they had parked in an area reserved for recycling vehicles and that there was a disagreement when they had parked on the yellow zig zags outside of a school premises. They explained that the latter was so that the child could easily see them at pick up.

Members noted that the Local Authority Designated Officer had indicated that the safeguarding complaint did not meet the threshold for their involvement. Members had concerns regarding the lapse in judgement the licensee had shown when they had collected another driver during a home to school contract trip. They thought the licensee was sincerely upset about the impact that this had had on the children and appreciated why this was a mistake not to be repeated. Members concluded that the licensee had learnt their lesson and Members asked themselves if they would be comfortable if a loved one travelled in a taxi with the licensee, and they were.

Members noted however, the licensee's non-compliance with the conditions of their licence relating to the provision of MOT and insurance certificates in the requisite period. Compliance with these conditions is vital so that the Council can be assured that the safety of the public when travelling in a BANES licensed vehicle is not compromised.

On balance, Members find that the licensee is a fit and proper person to continue to hold the combined Hackney Carriage/Private Hire Driver's Licence 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.
- iii. They must be mindful of their role as an ambassador for BANES, behave with professionalism, be mindful of their safeguarding responsibilities and ensure a safe journey for their passengers.
- iv. They must be honest in their conduct as a BANES licensed driver.

If the Licensee is referred back to the Licensing Sub Committee following further non-compliance with the requirements of their licence they are at risk of revocation of their licence.

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services