

Licensing Sub-Committee

Date: Thursday 15th May 2025

Time: 10.00am

Venue: Kaposvar Room - Guildhall, Bath

Councillors: Steve Hedges, George Tomlin and Ann Morgan

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 15th May 2025

at 10.00am in the Kaposvar Room - 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: 3RD APRIL 2025 & 17TH APRIL 2025 (Pages 5 - 22)

6. LICENSING PROCEDURE (Pages 23 - 26)

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 - 2025/MAY/01/TAXI (Pages 27 - 108)
9. CONSIDERATION OF 'FIT AND PROPER' STATUS – 25/MAY/02/TAXI (Pages 109 - 140)
10. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE: 2025/MAY/05/TAXI (Pages 141 - 162)
11. CONSIDERATION OF 'FIT AND PROPER' STATUS – 25/MAY/04/TAXI (Pages 163 - 220)

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, 3rd April, 2025

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

Also in attendance: Holly Woodrow (Public Protection Officer (Licensing)) and Donna Marks (Legal Services Manager and Deputy Monitoring Officer) and Emma Howard (Lawyer (Regulatory & Prosecution))

140 EMERGENCY EVACUATION PROCEDURE

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

141 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

142 DECLARATIONS OF INTEREST

There were none.

143 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

144 MINUTES OF PREVIOUS MEETING: 6TH MARCH 2025

The Sub-Committee **RESOLVED** to approve the minutes of the meeting held on 6th March 2025 and they were duly signed by the Chair.

145 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.

146 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.

147 CONSIDERATION OF FIT AND PROPER STATUS – 2025/APR/01/TAXI

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

The Chair asked why the licensee had been previously suspended for a week in 2016 after a previous meeting of the Sub-Committee.

The Public Protection Officer (Licensing) referred to the minutes from the February 2016 meeting of the Sub-Committee and read that this was *'in order to allow them to reflect on their behaviour and deter them from misconduct in the future.'*

The licensee addressed the Sub-Committee and apologised for not declaring previous speeding offences the Licensing department. The licensee also stated that their vehicles have always been road legal despite some previous issues relating to the submission of paperwork.

The licensee said that they loved doing their job.

The licensee's sister was also in attendance and addressed the Sub-Committee. She explained that the licensee had reached out to her after several years of struggling to say that they find all digital interactions difficult. She said that she intended to help the licensee in the future with correspondence and applications.

She informed the Sub-Committee that the licensee had installed the Waze app on their mobile phone to alert them when nearing the speed limit while driving.

The licensee said that they could not defend the offences, but said that they do not drive very fast around the city.

The licensee's sister stated that many regular customers were willing to give a character reference for the licensee if required.

Councillor Toby Simon asked if the Waze app provided an audible warning for when reaching a speed limit.

The licensee replied that the speedometer on the app will turn red if you reach the speed limit and you get an audible alert.

Councillor Simon asked the licensee for further comment on why there had been a gap of 81 days in insurance cover in July 2020.

The licensee replied that due to the pandemic they had removed public liability insurance from their vehicle because they were not working at the time. The licensee stated that the vehicle was insured for private use at all times and had never driven a taxi without the required paperwork in place.

The Chair sought assurance from the licensee that they understood the reasons that they were before the Sub-Committee and the need for them to sure that they can drive safely whilst representing the Council.

The licensee stated that they understood why they were asked to attend the meeting of the Sub-Committee and made a brief closing statement.

The licensee said that they had found the change to digital communication really difficult, was sorry for everything that has happened and regrets that they are in this position.

The licensee explained that due to the lack of having a licence they have been unable to work for the past five weeks.

The licensee stated that they were proud to represent the city and does not intend to be in this position again.

Decision & Reasons

The Members of the Licensing Panel thank all parties for attending the hearing today on the 3rd April 2025.

This hearing concerns a licensee's renewal of a combined Hackney Carriage/Private Hire Driver's licence issued by Bath & North East Somerset Council. The licence issued by this authority had an expiry date of 28 February 2025. The licensee has been licensed with this authority since 28 February 2003.

Members have had to consider whether or not the licensee is a fit and proper person to have an application for a combined Hackney Carriage/Private Hire Driver's licence renewed in the light of matters regarding their driving record as referred to in the Licensing Officer's report. In doing so, Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council Policy.

It is a legal requirement that drivers and operators must be 'fit and proper' for a licence to be granted under the Local Government (Miscellaneous Provisions) Act 1976. The Fit and Proper Person test is a statutory test but there is no statutory definition. However the Panel needs to be mindful of the Council Policy and the Statutory taxi and private hire vehicle standards which provides as follows in relation to the Fit and Proper person test: "Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a fit and proper person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question: Without prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?" Members have asked themselves if they would allow their friends, loved ones and indeed all members of the community to travel alone in a vehicle driven by this person which is considered to be substantively the same as the suggestion in the Standards Guidance. Members of the Licensing Sub-Committee are aware that decisions on the suitability of an applicant or licensee are made on the balance of probabilities.

When the licensee completed a renewal application on 15 January 2025, on the application form, the licensee declared three prior motoring offences. One of the motoring offences had not previously been declared to the Licensing Team (dated 27th September 2023). One of the conditions of a Combined Hackney Carriage/Private Hire Driver's licence is to provide written notification within seven days of the conviction, formal caution or Fixed Penalty Notice, together with providing information relating to the circumstances surrounding the offence.

Previous enforcement matters also include: on 16 February 2016 the licensee appeared before a Licensing Sub-Committee Meeting as they had received three convictions for speeding offences in the previous three years. Following this, their licence was suspended for one week. On 4 September 2019, the licensee was sent a reminder text about their rear licence plate not being fitted properly to their Hackney Carriage Vehicle. On 24 July 2020, the licensee was issued with a written warning and 6 penalty points for a gap of 81 days in insurance cover, and a first instance of failing to provide a valid insurance certificate within the timeframe required by their licence conditions. Further incidents are also included in the Licensing Officer's report.

The Panel has considered these incidents and has given the most weight to the motoring offences that occurred between 27 June 2022 and 27 September 2023 and the gap of 81 days in insurance cover where a written warning was issued on 24 July 2020. In particular, the Licensee's failure to notify the Licensing Team of one of the motoring offences.

Members heard from the Licensing Officer and the licensee in oral representations. It was noted by the Panel that the licensee provided adequate explanations into the recent incidents and further insight and rationale as to what led to that behaviour. The licensee explained that they have difficulties using technology and sending emails. They admitted they had not notified the Licensing Team of the motoring offence within the seven days required as a condition of their licence. The licensee notified the Licensing Sub-Committee that they had installed a Waze app, this is an audible app to notify the licensee of the speed limits on roads. The licensee also said they had not been working as a taxi driver when they had not had insurance in 2020 and it had been during Covid-19. The licensee's sister accompanied the licensee at the Licensing Sub-Committee, explaining that the licensee is unable to use digital software and that they could support the licensee with submitting documents and making applications to the Council. The licensee's sister would be able to support the licensee on a monthly basis with any disclosure to the Council that is required.

On balance, the Members of the Panel find that the licensee is a fit and proper person and the renewal application that has been submitted by the licensee for a combined Hackney Carriage/Private Hire Driver's Licence is granted. The Members have taken into account the licensee's comments regarding their speeding offences, their gap in insurance cover and that their sister could assist with completing application forms. Previously, following the 16 February 2016 licensing sub-committee, the licensee's licence was suspended for one week, this suspension period has been shown to be insufficient. The licensing sub-committee would have considered a one month suspension in this case, however, as the licensee has not had a licence since 28 February 2025, as their previous licence had expired, and has

not been working during this period, this licensing sub-committee will not impose any further penalties in this instance.

The Panel requests that the licensee attend a driver's speed awareness course within the next three months and to provide evidence of successful completion of the course to the Council's officers. Officers will refer the matter back to the Licensing Sub-Committee if this is not done. The licensee must notify officers of any further motoring offences within the timeframes set out within their licence.

If the licensee is referred back to the Licensing Sub-Committee regarding motoring offences or other matters, they are at considerable risk of losing their Private Hire/Hackney Carriage licence.

The Panel notifies the licensee that they have 21 days to Appeal the Panel's decision to the Magistrates Court on receipt of the written decision from the Council.

148 APPLICATION TO RENEW COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - CONSIDERATION OF FIT AND PROPER – 2025/APR/02/TAXI

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

The licensee addressed the Sub-Committee and explained that they have Type 2 Diabetes and that it is controlled by taking medication. They added that they were currently wearing a device that monitors their blood sugar levels.

The Chair asked the licensee why there had been a period of time where they had not been testing their blood sugar levels on a regular basis as required.

The licensee replied that their Diabetes was under control and that there was no information on the forms they had that said that they needed to test as regularly.

Councillor Toby Simon asked the licensee what steps they took when they found out they had not met the DVLA requirements for visual acuity.

The licensee replied that they were initially unaware that they had failed the test they had taken at their doctors. They added that when they had been informed of this by the Licensing department, they arranged for a further test to be taken two weeks later at Specsavers.

Councillor Simon asked the licensee if they had stopped driving for the period of time in between the two tests and if not, do they consider now that they should have done so.

The licensee replied no to both questions.

Councillor Simon asked the licensee if they were fully aware of the symptoms of hypoglycaemia.

The licensee replied that they were.

Councillor Simon asked the licensee if they were now regularly self-monitoring their blood sugar levels.

The licensee replied that they were testing twice a week only. They added that they find it difficult to test prior to driving, especially when starting early in the morning. The licensee said that they could not commit to keep on wearing the monitor as it would cost them around £100 a month.

The Chair asked if it was a legal requirement for the licensee to test their blood sugar levels prior to driving.

The Public Protection Officer (Licensing) replied that they if they were not wearing a monitor they would have to test manually before driving.

The Legal Services Manager asked the licensee if they were currently paying to wear the monitor.

The licensee replied that they were not, but believed they would have to start paying for it soon.

The Chair commented that the licensee had previously agreed to test their blood sugar levels regularly and had not been doing so. He asked how the Sub-Committee could be sure that they would test as required in the future so that members of the public would be safe in their vehicle.

The Chair asked the licensee if they were aware of the conditions of their licence.

The licensee replied that they were.

The Public Protection Officer (Licensing) clarified that the licensee was required to test no more than two hours before driving.

Councillor Simon asked the licensee if they would like to address the issue of the type of language they should use when corresponding with officers from the Licensing department.

The licensee replied that this could have happened because they had previously had depression.

The licensee made a closing remark to the Sub-Committee that should they have their licence renewed they would test themselves appropriately with regard to their blood sugar levels – within two hours of driving their vehicle.

Decision & Reasons

The Members of the Licensing Panel thank all parties for attending the hearing today on the 3rd April 2025.

This hearing concerns a licensee who held a combined Hackney Carriage/Private Hire driver licence issued by this authority with an expiry date of 28th February 2025. The licensee has been licenced with this authority since 17th August 2009.

Members have had to consider whether or not the licensee is a fit and proper person to have an application for a combined Hackney Carriage/Private Hire Driver's licence renewed in the light of matters regarding their driving record as referred to in the Licensing Officer's report. In doing so, Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council Policy.

It is a legal requirement that drivers and operators must be 'fit and proper' for a licence to be granted under the Local Government (Miscellaneous Provisions) Act 1976. The Fit and Proper Person test is a statutory test but there is no statutory definition. However the Panel needs to be mindful of the Council Policy and the Statutory taxi and private hire vehicle standards which provides as follows in relation to the Fit and Proper person test: "Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a fit and proper person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question: Without prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?" Members have asked themselves if they would allow their friends, loved ones and indeed all members of the community to travel alone in a vehicle driven by this person which is considered to be substantively the same as the suggestion in the Standards Guidance. Members of the Licensing Sub-Committee are aware that decisions on the suitability of an applicant or licensee are made on the balance of probabilities.

This Licensing Sub-Committee hearing concerns the D4 medical form submitted to the licensing team on behalf of the licensee. Bath & North East Somerset Council require that licensees meet the higher standard of medical fitness for Group 2 (Vocational) drivers, by producing a D4 medical report and if aged 65 or older, must provide a D4 medical report annually. The licensee has previously been referred to the Licensing Sub-Committee on other occasions and these are confirmed in the Licensing Officer's report.

The visual acuity required to meet the Group 2 medical standards is Snellen 6/7.5 in the better eye, and Snellen 6/60 in the poorer eye (glasses or contact lenses can be worn to achieve this). One of the medications the licensee is prescribed is Gliclazide. Where medication carrying a hypoglycaemic risk is used, the licensee must carry out regular self-monitoring of blood glucose levels at least twice daily and at times relevant to driving.

The D4 medical form submitted on 28 January 2025, indicated the licensee did not meet the Group 2 (Vocational) Driver medical standards required for licensing. The

licensee's D4 form listed their visual acuity as 6/9 in each eye. These measurements meet the requirements for the poorer eye, but not for the better eye. The licensee's D4 form showed that they tested their blood glucose at least twice daily, it indicated that they do not test at times relevant to driving.

On 25th February 2025, the licensee submitted their licence renewal application. This included further medical information showing the licensee does meet the Group 2 requirements relating to their visual acuity and had seen a diabetic nurse regarding blood glucose testing, with a follow up appointment scheduled. Their GP updated their D4 form to state that the required blood glucose testing was now being carried out.

The licensee's previous medical form was submitted to Licensing on 30th January 2024. This identified the licensee had been prescribed Gliclazide and was not carrying out the required blood glucose testing. Licensing addressed this with the licensee, they confirmed that they would comply with these requirements moving forward on 26th February 2024.

There are a number of incidents in the licensee's record, but the D4 medical form issues set out in the Licensing Officer's report is what the Panel have given the most weight too.

Members heard from the Licensing Officer and the licensee in oral representations. It was noted by the Panel that the Licensee provided adequate explanations into the recent incidents and provided further insight and rationale as to what led to that behaviour. The licensee confirmed they have type 2 diabetes and that they are taking anti-depressants. They confirmed that they will monitor their blood glucose levels in accordance with the testing requirements for Group 2 (Vocational) drivers.

The Panel considered that the licensee has diabetes and in the past they have shown risky behaviours. A pattern of behaviour has shown they have not previously been acting in a trustworthy way. The Panel is concerned about the licensee's previous rude behaviour towards officers at the Council and would request that they always treat officers with respect and politeness. The licensee must show that they will follow their responsibilities in complying with the medical standards required when holding a Hackney Carriage/Private Hire Driver's Licence.

The previous form was submitted on 30th January 2024, the licensee had confirmed they would follow the blood glucose testing, but they did not follow the testing requirements. They demonstrated poor insight into the Group 2 (Vocational) drivers requirements.

On balance, the Members of the Panel find that the licensee is a fit and proper person and the renewal Hackney Carriage/Private Hire Driver's Licence application that has been submitted will be granted. One of the conditions of the Hackney Carriage/Private Hire Driver's Licence is for the licensee to submit a blood glucose log to the Licensing team, on a monthly basis. In the log, for the avoidance of doubt, the blood glucose testing required is within the 2 hours prior to the commencement of driving and every 2 hours after driving has started (this is at times relevant to driving). This log will be arranged in consultation with the Licensing team. If the licensee fails to submit the blood glucose readings to the Licensing team within the

required timeframe, they will be required to attend a further Licensing Sub-Committee.

The licensee is warned that a further appearance before the Licensing Sub-Committee is likely to result in a revocation of the Hackney Carriage/Private Hire Driver's Licence.

The Panel notifies the licensee that they have 21 days to Appeal the Panel's decision to the Magistrates Court on receipt of the written decision by the Council.

The meeting ended at 1.15 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET

LICENSING SUB-COMMITTEE

Thursday, 17th April, 2025

Present:- Councillors Steve Hedges (Chair), Michael Auton (in place of Toby Simon) and Samantha Kelly (in place of Ann Morgan)

Also in attendance: Aled Williams (Team Manager - Environmental Protection & Licensing), Michael Dando (Lead Officer (Licensing)), Emma Howard (Lawyer (Regulatory & Prosecution)) and Donna Marks (Legal Services Manager and Deputy Monitoring Officer)

149 EMERGENCY EVACUATION PROCEDURE

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

150 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

Councillor Ann Morgan had sent her apologies to the Sub-Committee, Councillor Samantha Kelly was present as her substitute for the duration of the meeting.

151 DECLARATIONS OF INTEREST

There were none.

152 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

153 MINUTES OF PREVIOUS MEETING: 20TH MARCH 2025

The Sub-Committee **RESOLVED** to approve the minutes of the meeting held on 20th March 2025 and they were duly signed by the Chair.

154 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.

155 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.

156 APPLICATION TO RENEW COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - CONSIDERATION OF FIT AND PROPER - 2025/APR/03/TAXI

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

The licensee's DBS certificate was shared by the Lead Officer (Licensing) with the Members.

The Chair confirmed to the Sub-Committee there had been a misprint in the record of interview papers, the papers confirm one of the charges was £97.90, this should be £7.90.

The Chair asked the licensee if they could explain to the Sub-Committee why they had been cautioned by the Police in February 2022.

The licensee replied that it had been a stupid incident involving their family and that they didn't inform Licensing about it as it was a personal issue. The licensee added that they did not mean to declare a false application and was told by the Police that they could continue to work.

The Chair reminded the licensee that the conditions of their licence states that they must declare all offences.

The licensee replied that they now understand this point.

In a summing up statement the licensee said that they needed their licence to continue to support their family.

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 failure to declare a criminal caution for a course of conduct amounting to harassment, received on 18 February 2022 and their 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.

The licence issued by Bath & North East Somerset Council had an expiry date of 28th February 2025. The licensee has been licensed with this authority since 1st June 2015.

It is a legal requirement that drivers and operators must be 'fit and proper' for a licence to be granted under the Local Government (Miscellaneous Provisions) Act 1976. The Fit and Proper Person test is a statutory test but there is no statutory definition. However, the Panel needs to be mindful of the Council's Policy and the Statutory taxi and private hire vehicle standards which provides as follows in relation to the Fit and Proper person test: "Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a fit and proper person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question: Without prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?" Members have asked themselves if they would allow their friends, loved ones and indeed all members of the community to travel alone in a vehicle driven by this person, which is considered to be substantively the same as the suggestion in the Standards Guidance. Members of the Licensing Sub-Committee are aware that decisions on the suitability of an applicant or licensee are made on the balance of probabilities.

Members had read the written correspondence provided by the licensee in the agenda report pack. Members have had regard to one lot of additional information subsequent to the report pack, which comprised further information about the incident resulting in the caution and a witness statement from the licensee. In the witness statement, the licensee acknowledged that they had failed to inform the Licensing Team that they were the subject of a police investigation within 24 hours, nor that they were charged with a criminal offence within 7 days, nor that they had been issued with a criminal caution within 7 days (breaches of the conditions of their licence). They acknowledged they had made a false declaration in their renewal licence application form, when they responded 'no', to the question "have you been convicted or cautioned for any offence (including motoring and fixed penalties) since the grant of your last licence?"

Members have heard the licensee's oral representations.

In oral representations, the Licensee provided further information about the incident that resulted in the caution. The licensee did not know they had to inform the Council about the caution. They thought informing them would be required if, for example, there were issues with a customer or speeding in the car they would inform the Council of this. They did not want to falsify information, but did not know that everything should be declared. It was a stupid act between the licensee and their sister in law. The licensee was told by the police they could continue to work. The licensee has a family to support, they need to work to maintain and provide food for them. In the last few months, they have borrowed money to pay the rent and for car finance payments.

Members attribute substantial weight to the fact that the Licensee was of the understanding that this was a personal matter and that they did not need to notify the

Council about the caution. They were also informed by the police that they could continue working. However, the Licensee must follow the conditions of their licence and understand their obligations and duties under the driver's licence.

Therefore, 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.

However, they issue a warning to them as follows that:

- (i) The licensee must speak to the Licensing Team at the Council if they have any questions regarding their licence or request clarification and the Licensing Team can support them with this;
- (ii) They must comply with all conditions of their licences, but notably the condition that provides: "If a licensee is accused of any criminal activity that is the subject of an active Police investigation, they should inform the Licensing Office as soon as reasonably practicable and in any event within 24 hours of such investigation being commenced. The licensee should provide as much information as possible that does not prejudice the investigation."
- (iii) They must re-acquaint themselves with the requirements of their BANES licenses and be absolutely clear on their obligations in order to ensure compliance with the conditions and legal obligations imposed upon them as a BANES licensed driver. They must review the requirements of their BANES license on a monthly basis.

Members also request that the Licensing Team translate the documents BANES' 'PRIVATE HIRE DRIVER'S GENERAL CONDITIONS & HACKNEY CARRIAGE DRIVER BYELAWS' and the 'POLICY ON HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING STANDARDS FOR DRIVERS, VEHICLES AND OPERATORS' to Romanian and to summarise the key points within the two documents. Members request that the licensee is provided with copies of the translated documents within one month of this Licensing Sub-Committee meeting (by 16/05/2025).

If there is any further non-compliance regarding the requirements of their licence, the licensee will be referred back to the Licensing Sub Committee and they are at risk of revocation of their licence.

The Panel notifies the licensee that they have 21 days to Appeal the Panel's decision to the Magistrates Court on receipt of the written decision from the Council.

157 APPLICATION TO RENEW COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - CONSIDERATION OF FIT AND PROPER - 2025/APR/04/TAXI

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

The licensee's DBS certificate was shared by the Lead Officer (Licensing) with the Members.

The licensee addressed the Sub-Committee and referred to the incident in 2017 when they had been the subject of a complaint that they had been parked on double yellow lines. The licensee explained that they had arrived around 5 minutes early for a fare for a regular customer and had parked their vehicle to wait for the short period of time. The licensee apologised and stated that they had not parked there since the incident.

The licensee referred to the dangerous driving complaint from 2017 and stated that they had reported the incident to the Police as they had felt intimidated by the actions of the other driver. The licensee insisted that the other driver had caused the incident by their actions whilst driving and behaviour following the incident.

The licensee referred to the previous Caution that was issued on 17th May 2023. They said that this had been a result of the Police visiting their home 3-4 times a day over a number of weeks whilst they were looking for a child they thought was a friend of the licensee's son and had attended the same school as their son.

The licensee explained that on the day in question he had approached the officers that were present to say that the returning visits were scaring their family, and they did not know anything about the child they were looking for. The argument with the police was 45 minutes in length and a video was also recorded of the licensee's interaction with the police.

The licensee admitted to shouting and swearing during the incident and has subsequently apologised for their actions and voluntarily attended an anger management course.

The licensee explained that they had not declared the caution as part of the renewal application as they were not aware of it until the DBS check was carried out earlier this year. They said that they thought they had only received a warning and had been told by the Police that they were allowed to continue to drive. They did not believe they had been dishonest when completing the application form, as they did not know they had received a caution.

The licensee referred to the speeding offence from 16th September 2024 and stated that this was when their wife had been driving the licensed vehicle after they had become unwell.

The licensee informed the Sub-Committee that in the main they would now carry out school runs with vulnerable and disabled children and airport transfers for work if their licence was to be renewed.

Councillor Samantha Kelly asked the licensee if they had received any advice on what to do when becoming unwell whilst driving their licensed vehicle.

The licensee replied that they were aware of the rules and queried whether they could be adapted 'in the event of an emergency'. The licensee stated that they were in the vehicle for the duration of the short journey and that they would never ask anyone to drive their vehicle for work.

The Chair asked the licensee if they had reported the harassment type behaviour to the Police.

The licensee replied that they did not know what to do regarding this.

The Chair asked the licensee why they asked their wife to drive their vehicle when they were aware of the rules.

The licensee replied that they were worried about leaving their vehicle in an area they did not know, they were concerned that their car may be vandalised and was in pain.

The Lead Officer (Licensing) confirmed that provisions in the Local Government (Miscellaneous Provisions) Act 1976 require a licensed vehicle to be driven by a licenced driver only.

Councillor Michael Auton asked the licensee if they had notified the Council regarding their wife driving their vehicle.

The licensee replied that they had not as it was only around a three-minute drive and had not thought any further about it. They added that their wife had not noticed the change in speed limit as she was worried about them being in pain.

The licensee made a summing up statement. They said that they hoped that they had been able to explain about the incidents raised within the report and reiterated that they had only become aware of the Caution when the result of the DBS check was received.

They said that nobody would be asked to drive their vehicle again and that they have not and would not park on yellow lines in the future.

The licensee said that they have been driving since 2009 and that the last two months have been very difficult whilst not being able to work.

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 failure to declare a criminal caution for the use of threatening/abusive words/behaviour or disorderly behaviour likely to cause harassment/alarm or distress under S.5(1)(A)+S.5(6) of the Public Order Act 1986, issued on 17th May 2023 and their 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.

The licence issued by Bath & North East Somerset Council had an expiry date of 28th February 2025. The licensee has been licensed with this authority since 3rd March 2009.

It is a legal requirement that drivers and operators must be 'fit and proper' for a licence to be granted under the Local Government (Miscellaneous Provisions) Act 1976. The Fit and Proper Person test is a statutory test but there is no statutory

definition. However, the Panel needs to be mindful of the Council's Policy and the Statutory taxi and private hire vehicle standards which provides as follows in relation to the Fit and Proper person test: "Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a fit and proper person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question: Without prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?" Members have asked themselves if they would allow their friends, loved ones and indeed all members of the community to travel alone in a vehicle driven by this person which is considered to be substantively the same as the suggestion in the Standards Guidance. Members of the Licensing Sub-Committee are aware that decisions on the suitability of an applicant or licensee are made on the balance of probabilities.

Members had read the written correspondence provided by the licensee in the agenda report pack. Members have had regard to one lot of additional information subsequent to the report pack, which comprised information on offences, a witness statement from the licensee, a letter under caution sent to the licensee, their responses to the letter under caution and an email from the licensing officer to the licensee. In the witness statement, the licensee acknowledged that they had failed to inform the Licensing Team that they were the subject of a police investigation within 24 hours, nor that they were charged with a criminal offence within 7 days, nor that they had been issued with a criminal caution within 7 days (breaches of the conditions of their licence). They acknowledged they had made a false declaration in their renewal licence application form, when they responded 'yes', to the question "have you been convicted or cautioned for any offence (including motoring and fixed penalties) since the grant of your last licence?" They did not include the caution in their response. In addition to accepting the caution, the licensee attended an optional anger management course and apologises for not declaring the conviction or informing licensing of the incident.

Members have heard the licensee's oral representations.

In oral representations, the Licensee provided further information about the complaints and the caution. Regarding the complaint from another driver, the licensee had made a complaint to the police and had been intimidated by shouting and swearing from the driver.

In relation to the caution, the licensee had been arrested, they had been informed by police it was a minor issue and they attended a voluntary anger management course. The licensee had not been aware they had received a caution. They became aware of the caution when they received their DBS certificate as part of their licence renewal application. The licensee did not think they had anything on their DBS. The licensee did not believe they had made a false declaration, as they had not known they had received a caution. The licensee is currently corresponding with the police, as they do not believe they should have been given the caution.

Regarding the incident where the licensee's wife drove their licensed vehicle, this had been an emergency situation, as the licensee had been unwell. The licensee had attempted to contact other drivers to assist, they had not been available. They

had requested that their wife drive the car to another location. They were concerned their car could have been vandalised at the previous location. The licensee took responsibility for their actions, they apologised for their actions.

In relation to the complaint of parking on double yellow lines, this had been for five minutes, while the licensee was waiting in the area for another job to begin. The licensee has not parked in that location since.

The licensee admitted they had made mistakes. The licensee has been driving private hire vehicles since 2009. The licensee has four children and a wife and is the only earner. This process has financially impacted the licensee significantly over the past two months.

Members attribute substantial weight to the licensee's explanations that they were being harassed in their local community. The licensee has shown remorse for their actions, particularly in relation to not disclosing the caution to the Licensing Team within the required timescales and allowing their wife to drive their licensed taxi when they were unwell. The licensee has acknowledged that they made mistakes. The Members understand that the licensee has not been working since 28 February 2025 and this was a penalty on them.

Therefore, 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.

However, they issue a warning to them as follows that:

- (i) They must comply with all conditions of their licences but notably the condition that provides: "If a licensee is accused of any criminal activity that is the subject of an active Police investigation, they should inform the Licensing Office as soon as reasonably practicable and in any event within 24 hours of such investigation being commenced. The licensee should provide as much information as possible that does not prejudice the investigation."
- (ii) They must take care to ensure that any forms submitted to BANES as part of the licensing process are completed with care and accuracy.
- (iii) They must re-acquaint themselves with the requirements of their BANES licenses and be absolutely clear on their obligations in order to ensure compliance with the conditions and legal obligations imposed upon them as a BANES licensed driver.

If there is any further non-compliance regarding the requirements of their licence, the licensee will be referred back to the Licensing Sub Committee and they are at risk of revocation of their licence.

The Panel notifies the licensee that they have 21 days to Appeal the Panel's decision to the Magistrates Court on receipt of the written decision from the Council.

The meeting ended at 1.00 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Licensing Sub Committee Hackney Carriage and Private Hire Drivers Complaint Hearing Procedure

1. The Chair will introduce Members of the Committee, introduce the Officers present, explain the procedure to be followed and ensure those present have received and understood that procedure.
2. The Licensing Officer will outline the nature of the matter to be considered by the Committee.
3. The Complainant presents their case, may call witnesses and may be questioned by the Committee and other parties. Where a written complaint has been made the complaint will be read by the Committee. The procedure will be repeated should there be more than one complainant.
4. The Licensee presents their case, may call witnesses and may be questioned by the Committee and other parties.
5. The Chair will ask the Licensing Officers present whether they wish to comment. An Officer making comment may be asked questions.
6. The Complainant is invited to make a closing statement
7. The Licensee is invited to make a closing statement.
8. The Chair will invite the Committee to move into private session to enable the Members to deliberate in private. The Committee will reconvene publicly if clarification of evidence is required and/or legal advice is required. The Committee may retire to a private room, or alternatively require vacation of the meeting room by all other persons.
9. Whilst in deliberation the Committee will be accompanied by Legal and Democratic Services Officers for the purpose of assisting them in drafting their reasoning for the decision.
10. The Committee will reconvene the meeting and the Chair will announce the Committee's decision with reasons and advise that the decision will be released in writing within the statutory time limits.

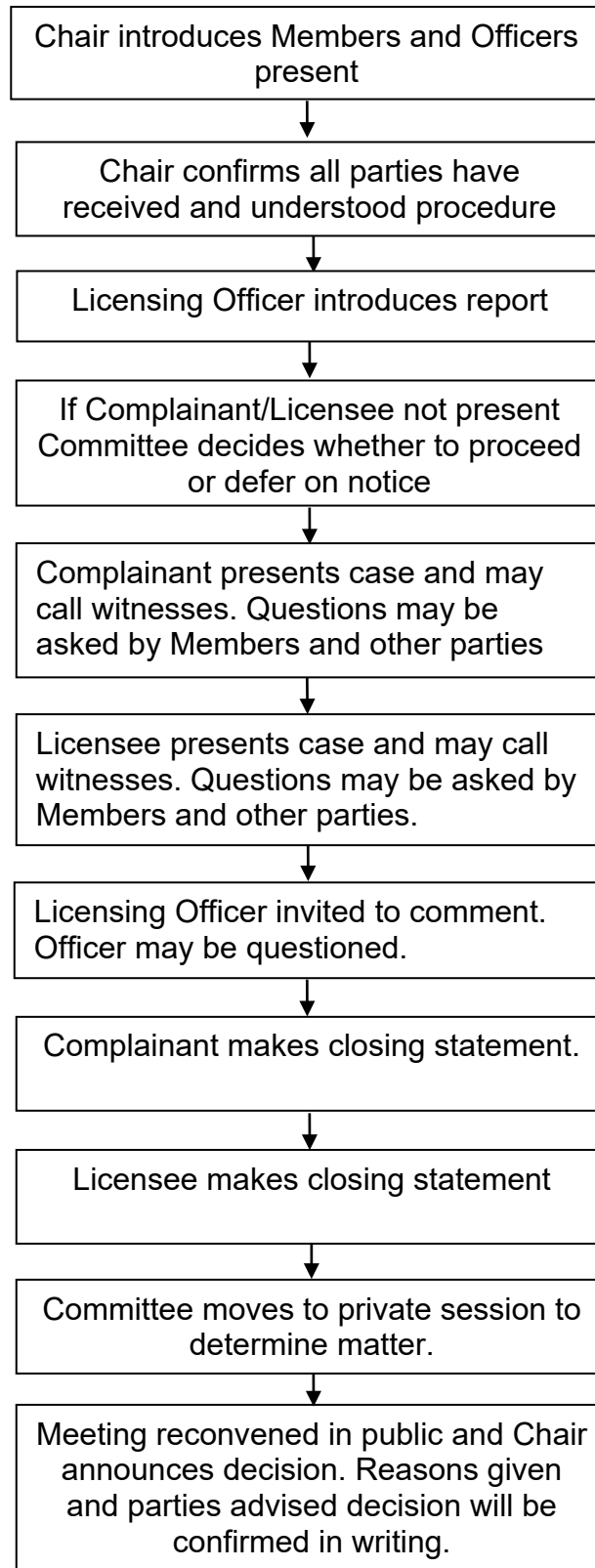
PLEASE NOTE:

- Where the Committee considers it necessary the procedure may be varied.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence or defer to the next meeting. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations will be considered.
- Only in **exceptional circumstances** will the Committee take account of additional late documentary or other information and will be at the discretion of the Chair and on notice to all the other parties. No new representations will be allowed at the hearing.
- The Committee will disregard all information or representations considered irrelevant.
- The hearing will take the form of a discussion. The Committee will allow parties to the proceedings to ask questions. Formal cross examination will be discouraged and, should they be necessary, supplementary questions allowed for clarification purposes only.
- Parties will have an equal amount of time to present their cases. Whilst time limits are at the Chair's discretion, in the interests of cost and efficiency, presentations will not normally exceed **twenty minutes** to include summarising the case. Time limits will not include the time taken for questions.

N.B.

1. Where there is more than one party making relevant representations the time allocated will be split between those parties.
 2. Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and to make the most efficient use of the allocated time.
 3. Where an objection is made by an association or local residents group, a duly authorised person – as notified to the Licensing authority – may speak on behalf of that association or local residents group.
- The Chair may request that persons behaving in a disruptive manner should leave the hearing and their return refused, or allowed subject to conditions. An excluded person is however, entitled to submit the information they would have been entitled to present had they not been excluded.
 - Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion. On occasion however, it may be necessary to exclude members of the press and public pursuant to the Local Government Act 1972 Schedule 12 (a). In those circumstances reasons for such decisions will be given.
 - If a person has special needs regarding access, hearing or vision, this should be brought to the Licensing Authority's attention prior to the hearing so that reasonable adjustments may be made.

**LICENSING SUB-COMMITTEE
HACKNEY CARRIAGE (TAXI) AND
PRIVATE HIRE VEHICLES COMPLAINT PROCEDURE**



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Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA-2325199
Meeting / Decision: Licensing Sub-Committee
Date: Thursday 15 th May 2025
Author: Holly Woodrow
Exempt Report Title: Consideration of Fit and Proper status - Exempt Appendix Title(s): Exempt Annex A - Current Licence Exempt Annex B - 2025 Complaint Correspondence Exempt Annex C - Vehicle Inspection Documents Exempt Annex D - 2024 Similar Complaint Correspondence Exempt Annex E - 2015 Complaint Correspondence Exempt Annex F - Second 2015 Complaint Correspondence Exempt Annex G - 2017 Complaint Correspondence Exempt Annex H - 2018 Complaint Correspondence Exempt Annex I - 2023 Complaint Correspondence Exempt Annex J - 2016 Letter Exempt Annex K - 2022/2024 Correspondence Exempt Annex L - 2022 Warning Exempt Annex M - 2023 Warning Exempt Annex N - 2017 Customer Feedback Exempt Annex O - 2022 Customer Feedback Exempt Annex P - May 2024 Customer Feedback Exempt Annex Q - October 2024 Customer Feedback Exempt Annex R - Bath & North East Somerset Policy on Hackney Carriage & Private Hire Licensing Standards for Drivers, Vehicles and Operators

The report and appendices contain exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular

person (including the authority holding that information)

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the report and appendices be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the Sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972. The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 2018 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the backgrounds of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand. The Council considers that the public interest is in favour of not holding this matter in open session at this time and that any reporting on the meeting is prevented in accordance with Section 100A(5A)

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

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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-2325947
Meeting / Decision: Licensing Sub-Committee
Date: Thursday 15 th May 2025
Author: Wayne Campbell
Exempt Report Title: Consideration of 'Fit and Proper' status – Exempt Appendix Title(s): Exempt Annex A- Former Combined Hackney Carriage/Private Hire Driver's Licence. Exempt Annex B – Minutes and Resolution of Previous LSC Hearing. Exempt Annex C – Copy of Court Appeal Notification. Exempt Annex D – Extracted Pages from Licence Renewal Form. Exempt Annex E – Current Policy On Hackney Carriage and Private Hire Licensing Standards for Drivers, Vehicles & Operators

The report and appendices contain exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the report and appendices be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the Sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972. The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 2018 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the backgrounds of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand. The Council considers that the public interest is in favour of not holding this matter in open session at this time and that any reporting on the meeting is prevented in accordance with Section 100A(5A)

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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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-2325111
Meeting / Decision: Licensing Sub-Committee
Date: Thursday 15 th May 2025
Author: Wayne Campbell

Exempt Report Title: Consideration of 'Fit and Proper' status

Exempt Appendix Title(s):

Exempt Annex A- Current Licence.

Exempt Annex B - Copy of Email (Complaint Details).

Exempt Annex C - Correspondence from Private Hire Operator.

Exempt Annex D - Emails.

Exempt Annex E - Email from Licensee.

Exempt Annex F - Copy of Text Messages.

Exempt Annex G – Copy of Text Messages.

Exempt Annex H - Course Certificate.

Exempt Annex I - Previous Complaint Correspondence.

Exempt Annex J - Previous Complaint Correspondence.

Exempt Annex K - Correspondence Relating to Previous Licensing Conditions Breaches.

Exempt Annex L - Correspondence Relating to Issue of Penalty Points.

Exempt Annex M - Correspondence Relating to Previous Licensing Condition Breach.

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

The report and appendices contain exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the report and appendices be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the Sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters. Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972. The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 2018 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the backgrounds of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand. The Council considers that the public interest is in favour of not holding this matter in open session at this time and that any reporting on the meeting is prevented in accordance with Section 100A(5A)

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA-2325111

Meeting / Decision: Licensing Sub-Committee

Date: Thursday 15th May 2025

Author: Wayne Campbell

Exempt Report Title: Consideration of 'Fit and Proper' status

Exempt Appendix Title(s):

Exempt Annex A- Current Licence.

Exempt Annex B - Copy of Email (Complaint Details).

Exempt Annex C - Correspondence from Private Hire Operator.

Exempt Annex D - Emails.

Exempt Annex E - Email from Licensee.

Exempt Annex F - Copy of Text Messages.

Exempt Annex G – Copy of Text Messages.

Exempt Annex H - Course Certificate.

Exempt Annex I - Previous Complaint Correspondence.

Exempt Annex J - Previous Complaint Correspondence.

Exempt Annex K - Correspondence Relating to Previous Licensing Conditions Breaches.

Exempt Annex L - Correspondence Relating to Issue of Penalty Points.

Exempt Annex M - Correspondence Relating to Previous Licensing Condition Breach.

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

The report and appendices contain exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the report and appendices be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the Sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters. Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972. The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 2018 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the backgrounds of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand. The Council considers that the public interest is in favour of not holding this matter in open session at this time and that any reporting on the meeting is prevented in accordance with Section 100A(5A)

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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