

BATH AND NORTH EAST SOMERSET

LICENSING SUB-COMMITTEE

Thursday 26th June 2025

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

Also in attendance: Emma Howard (Lawyer (Regulatory & Prosecution)) and Holly Woodrow (Public Protection Officer (Licensing))

10 EMERGENCY EVACUATION PROCEDURE

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

11 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

12 DECLARATIONS OF INTEREST

The Chair, Councillor Steve Hedges announced that he had an other interest with regard to agenda item 9. He explained that he knew the mother of the licensee, but had not spoken with the licensee personally for many years.

13 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

14 MINUTES OF PREVIOUS MEETING: 12TH JUNE 2025

The Sub-Committee **RESOLVED** to approve the minutes of the meeting held on 12th June 2025 and they were duly signed by the Chair.

15 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.

16 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.

17 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE: 2025/JUN/03/TAXI

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. She explained that they were being asked to consider whether the applicant should be granted a combined Hackney Carriage/Private Hire Drivers licence.

She shared the applicant's Disclosure and Barring Service (DBS) Certificate alongside their account of the circumstances surrounding the convictions with the Sub-Committee.

The Chair asked for the meeting to pause for a brief period of time to allow the Sub-Committee to read the information they had been given. The applicant and the Public Protection Officer (Licensing) left the meeting room while this took place.

When the meeting resumed the applicant addressed the Sub-Committee. They explained that a long time had passed since the incidents had taken place and that they were a very different person 50 years ago.

The Chair referred to the incident of violence from 1995 and asked the applicant how they would react now to any form of argument / disagreement.

The applicant replied that this had been a one off incident, that they were a level headed character and did not have any anger management issues.

Councillor Toby Simon asked the applicant about their previous employment.

The applicant replied that they had been a director of a company for around 12 years.

The Lawyer (Regulatory & Prosecution) asked the applicant what they would do if any items belonging to passengers were left within their vehicle.

The applicant replied that they would either attempt to return it to the customer or hand it into the Police.

The applicant, in their closing statement, asked the Sub-Committee to take into account the time since the offences had occurred.

Decision & Reasons

Members have had to consider an application for a new combined Hackney Carriage/Private Hire Driver's licence made to BANES on 24th March 2025. DBS check results and a review of the applicant's DBS certificate disclosed three previous convictions. In accordance with the BANES policy on previous convictions, cautions, fixed penalty notices, this application was subsequently referred to the Licensing Sub-Committee for determination.

The applicant was requested to attend a Licensing Sub-Committee meeting on 12/06/2025. The applicant responded to the Licensing Officer's request for confirmation on whether they would attend the meeting, to confirm they could not go to the meeting. The reason provided was that they had started a new job and would be attending a training course. At the Licensing Sub-Committee Meeting on 12/06/2025, Members deferred the applicant's hearing until 26/06/2025.

In considering this application, Members have taken 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'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 noted that the applicant had three historic convictions. Two were dishonesty/theft related from 1976 and 1992 and one from 1995 was for an offence against the person. Members further noted that the applicant had remained conviction free for the period anticipated in the Policy.

Members had read the written correspondence provided by the applicant in the agenda report pack.

Members have had regard to two emails sent by the applicant on 06/05/2025, subsequent to the report pack, which comprised further information about the three convictions. In the emails, the applicant referred to the long passage of time without any further convictions and that they had made genuine and lasting changes to their life. In reference to the dishonesty/theft offences, they made a regrettable mistake,

had not repeated this behaviour and acted to rebuild their life following the convictions. Regarding the offence against the person, they had complied with the court order and had no further convictions. The applicant submitted that since then, they have not had a history of reoffending or shown behaviour that could suggest risk to passengers or the public.

Members have heard the applicant's oral representations, they confirmed they were 14 years old at the first offence and are now approaching 65 years old. They are a member of the community, complete charity work and have a lot of driving experience.

The applicant gave evidence of subsequent activities, both in employment and charity work.

The applicant confirmed the offence against the person was a one off incident, they are now a level headed character and have no anger management issues.

The applicant requested that members account for the passage of time following the convictions.

The applicant submitted they have previously acted as a director of a company, responsible for funds and projects, and would not have issues with returning lost property to passengers or to the police.

The applicant must ensure that they comply with all requirements, conditions and legal obligations upon them as a BANES licensed driver.

Taking into account the Policy, the passage of time since the applicant's convictions and their account that they had changed their life, Members were fully 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.

18 CONSIDERATION OF FIT AND PROPER STATUS- 25/JUN/02/TAXI

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. She 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, having been convicted of three minor traffic offences within a thirteen month period.

The licensee addressed the Sub-Committee and explained that when they began the role they were driving a vehicle which was more powerful than they had previously been used to.

They said that the speed limiter is always now on within their vehicle and that they do their utmost to stay within the limits. They said that they also know the consequences of potentially losing their driving licence if found guilty of any further offences.

The Chair asked if any passengers were present in their vehicle during any of the three offences.

The licensee replied that a passenger was only in their vehicle during one of the offences in March 2025. They added that the passenger had asked for their destination to change which had put them under some pressure to get there on time.

The Chair asked for confirmation of when the points on the licensee's driver's license would be removed / expire.

The Public Protection Officer (Licensing) replied that this was to be on 28th February 2027.

Councillor Toby Simon asked the licensee what type of vehicle they are driving currently.

The licensee replied that it was a Mercedes E Class 220. They reiterated that they drive with the speed limiter on and were able to reset it when travelling through any temporary speed restrictions.

Following further questioning from Councillor Simon the licensee gave details of where they had been driving when the offences had occurred.

Councillor Ann Morgan asked the licensee how they would act now if a passenger asked them to change their destination at short notice.

The licensee replied that they would explain to the passenger that depending on the distance involved in the change of destination that they would likely be late as they would in no way be driving faster than allowed.

When offered the chance to make a summing up statement the licensee replied that they had nothing further to say.

Decision & Reasons

Members have had to consider whether or not the Licensee is a fit and proper person to continue to hold their combined Hackney Carriage/Private Hire Driver's licence, in light of motoring convictions they received in 2024 and 2025.

In doing so, Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's 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's Policy and the Statutory taxi and private hire vehicle standards which provides the Fit and Proper person test as: "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 noted that the Licensee had received three minor motoring convictions for speeding offences on their DVLA licence, in a thirteen month period. This was contrary to BANES' policy which expects that licensees will not have been convicted of three or more minor motoring offences during the previous three years.

Members considered the speeding offences received by the licensee and the points added to their DVLA licence.

In oral representations, the licensee confirmed that when they started this job, they had purchased a new car and were familiarizing themselves with getting used to the speed and power of their car.

The licensee now applies limits to their speed monitor and does their utmost to not be over the limit. They can reset the limiter, if temporary speed limits are in place on roads. If they were to receive another speeding offence, they would lose their job and their licence. They are towing the line and apologized that they did not take action earlier on.

The licensee confirmed they were working as a taxi driver during the speeding offence in March 2025 and they had a passenger in their taxi. The passenger had changed their drop off location, were running late and the licensee had been speeding on the motorway.

The licensee confirmed that in the future, if a passenger was running late, they would drop them off late at their destination.

Members noted that the licensee's DVLA driving licence is endorsed with 9 penalty points and that is a significant deterrent to the Licensee in relation to their future conduct.

Therefore, 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) It is very important that they comply with all relevant road traffic law;
- (ii) They are reminded of the Council's Policy on Hackney Carriage and Private Hire Licensing Standards for drivers, vehicles and operators, this includes the policy relating to previous convictions and cautions in relation to fitness to hold licences, it states "Where sufficient penalty points have been endorsed on an applicant's driving licence requiring a period of disqualification from holding or obtaining a driving licence the Council would expect a period of at least six months should have elapsed before

the restoration of the combined Hackney Carriage/Private Hire driving licence;"

- (iii) They must ensure that they comply with all requirements, conditions, policies and legal obligations upon them as a BANES licensed driver.

If there are any further issues against this background, they will be referred back to the Licensing Sub-Committee and they are at risk of losing their licence by having it revoked.

The meeting ended at 11.52 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services