

Licensing Sub-Committee

Date: Thursday 24th July 2025

Time: 10.00am

Venue: Council Chamber - Guildhall, Bath

Councillors: Steve Hedges, Toby Simon 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 24th July 2025

at 10.00am in the Council Chamber - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 5 on the previous page.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting.

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is a **disclosable pecuniary interest** or an **other interest** (as defined in Part 4.4 Appendix B of the Code of Conduct and Rules for Registration of Interests).

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. MINUTES OF PREVIOUS MEETING: 26TH JUNE 2025 (Pages 5 - 12)

6. LICENSING PROCEDURE (Pages 13 - 16)

The Chair will, if required, explain the licensing procedure.

7. EXCLUSION OF THE PUBLIC

The Sub-Committee is asked to consider passing the following resolution:

“the Sub-Committee having been satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, **RESOLVES** that the public shall be excluded from the meeting for the following item(s) of business and the reporting of the meeting be prevented under Section 100A(5A), because of the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, as amended.

8. APPLICATION FOR A PERSONAL LICENCE (Pages 17 - 36)

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 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

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**LICENSING SUB COMMITTEE HEARING PROCEDURE
REVIEW OF PERSONAL LICENCE**

*The Chair will allow the parties an equal maximum period of time in which to make representations not normally exceeding **twenty minutes**. Where more than one party makes relevant representations time will be split between the parties and where several parties make similar representations it is suggested one representative is appointed to avoid duplication.*

The term “party” or “parties” will mean anyone to whom notice of this meeting has been given.

- 1 The Chair will introduce Members of the Sub Committee, Officers present and explain the procedure to be followed.
- 2 The Licensing Officer will outline the nature of the matter to be considered by the Sub Committee.
- 3
 - (i) The Applicant, or representative, addresses the Sub Committee who may be asked questions by the Sub Committee, Licence Holder and other parties.
 - (ii) Witnesses may be called in support of the application who may be asked questions by the Sub Committee, Licence Holder and other parties
- 4
 - (i) Any other party making relevant representations, or their representative, will address the Sub Committee who may be asked questions by the Sub Committee, Applicant, Licence Holder and other parties.
 - (ii) Witnesses may be called in support of representations who may be asked questions by the Sub Committee, Applicant, Licence Holder, other parties.
- 5 Responsible Authorities making representation will address the Sub Committee and may be asked questions by the Sub Committee, Applicant, Licence Holder, other parties.
- 6 The Licence Holder (or their representative) will address the Sub Committee and may be asked questions by the Sub Committee, Applicant and other parties.
- 7 The other parties will be invited to summarise their representations.

Responsible Authorities will be invited to summarise their representations

The Licence Holder will be invited to summarise their representations

The Applicant will be invited to summarise the application.

- 9 *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.*

Whilst in deliberation the Committee will be accompanied by Legal and Democratic Service Officers for the purpose of assisting them in drafting their reasoning for the decision.

The Committee will reconvene the meeting and the Chair will announce the Committee's decision with reasons.

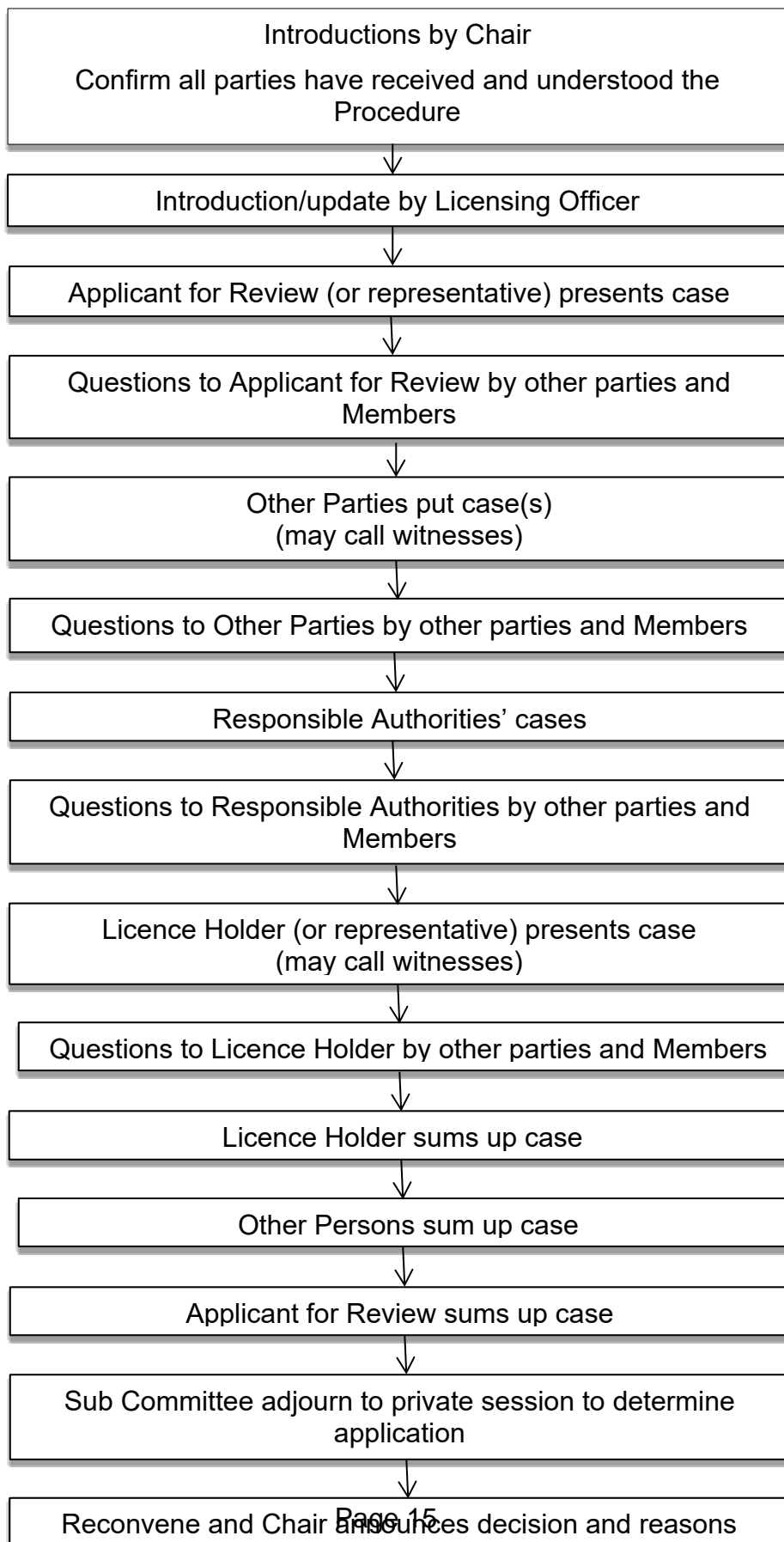
PLEASE NOTE:

- Where the Sub-Committee considers it necessary to do so, it may vary this procedure.
- In circumstances where a party fails to attend the will be determined in absence.
- The hearing will take the form of a discussion and parties will be able to ask questions as set out above. However, formal cross examination will be discouraged.
- The Authority will disregard any information or representation given by a party which is not relevant to the Application and the Licensing Act 2003.
- Where there is more than one party making relevant representations the time allocated will be split between those parties.
- 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.

LICENSING SUB-COMMITTEE PROCEDURE FOR REVIEW OF A PERSONAL LICENCE

*The parties will be allowed an equal maximum period of time not normally exceeding **twenty minutes**. Where more than one party make representations the time should be split equally between them. Where several parties make similar representations one representative should be appointed avoiding duplication and making the best use of the available time*



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Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA-2462991
Meeting / Decision: Licensing Sub-Committee
Date: Thursday 24 th July 2025
Author: Geoff Cannon
Exempt Report Title: Application for a Personal License Exempt Appendices: Exempt Annex A: Application for a Personal License Exempt Annex B: Notice of Objection

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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