

Licensing Sub-Committee

Date: Thursday 18th September 2025

Time: 10.00am

Venue: Kaposvar Room - Guildhall, Bath

Councillors: Steve Hedges, Ann Morgan and Sarah Moore

Chief Executive and other appropriate officers
Press and Public

A briefing session for Members will be held at 9.30am.



Mark Durnford

Democratic Services

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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 18th September 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: 24TH JULY 2025 (Pages 5 - 8)

6. LICENSING PROCEDURE (Pages 9 - 12)

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 – 2025/SEP/01/TAXI (Pages 13 - 84)

The Committee Administrator for this meeting is Mark Durnford who can be contacted on 01225 394458.

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BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Thursday 24th July 2025, 10.00 am

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

Officers in attendance: Carrie-Ann Evans (Service Manager (Barrister), Legal Services), Emma Howard (Lawyer (Regulatory & Prosecution)) and Jacob Booth (Public Protection Officer)

19 EMERGENCY EVACUATION PROCEDURE

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

20 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

21 DECLARATIONS OF INTEREST

There were none.

22 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

23 MINUTES OF PREVIOUS MEETING: 26TH JUNE 2025

The Sub-Committee **RESOLVED** to approve the minutes of the meeting held on 26th June 2025 and they were duly signed by the Chair.

24 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.

25 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.

26 APPLICATION FOR A PERSONAL LICENCE

As a preliminary issue the Service Manager, Legal Services invited the Sub-Committee to determine whether or not they would proceed in the applicant's absence. She asked the Public Protection Officer (Licensing) to state what attempts had been made to contact the applicant prior to the meeting.

The Public Protection Officer (Licensing) stated that an initial phone conversation had taken place with the applicant following the receipt of the objection from the Police and they were advised that a hearing of the Sub-Committee would be required.

He added that since that time, three emails, two phone calls and one letter had been sent to the applicant to confirm the date of the meeting and provide a copy of Sub-Committee report pack, all of which had been either unanswered or not acknowledged.

He said that no written statement had been offered by the applicant either.

The Sub-Committee indicated that in all the circumstances and taking account of public interest they would proceed in the absence of the applicant.

Ben Allen, Police Alcohol Licensing Officer was present and summarised the objection from the Police that was contained within the agenda pack.

The Chair asked if it was known by how much the applicant was over the legal alcohol limit for driving when the offence was committed.

Ben Allen replied that he did not have that information to hand.

Councillor Toby Simon noted that there were some significant gaps in the timeline between the committed offence (February 2024) and sentencing (June 2025).

Ben Allen stated that the applicant has a list of other offences against their name, but they have not been disclosed as are not relevant to the application before the Sub-Committee.

Councillor Simon noted that this may explain the gaps in time that he had previously mentioned.

The Chair asked if Ben Allen had any further comments to make.

Ben Allen said that the Police believe that the applicant's conviction is significant enough to raise concerns about their suitability and integrity to hold such a role, which would, if granted enable them to supply alcohol to the general public and authorise others to do so.

The Service Manager, Legal Services addressed the Sub-Committee and stated that even though other possible offences committed by the applicant have been raised today they were not relevant to their determination and they can only concern themselves with the relevant drink driving offence in respect of this application.

Decision & Reasons

Members have determined an application for a Personal Licence in respect of AB. In doing so they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy, Human Rights Act 1998, case law and the agenda report pack.

As of 10:09am the applicant was not in attendance at the hearing. Therefore, Members had to determine the preliminary issue of whether proceed in their absence. In doing so they took account of regulation 20 of the Licensing Act 2003 (Hearing Regulations) 2005 which provides that (insofar as is relevant):

(2) If a party who has not so indicated fails to attend or be represented at a hearing the authority may–

(a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or

(b) hold the hearing in the party's absence.

Members had regard to the fact that during a telephone call with the licensing section the applicant had been notified of the police objection and that a hearing would be held to determine the application. Subsequent to the telephone call the licensing section sent the applicant 3 emails, tried to call them twice without success and wrote to them giving notice of hearing date and to provide a copy of the report. Members noted that the applicant had been given the opportunity to provide a written statement prior to the hearing, and they had failed to do so.

Members also had regard to the fact that Policing Licensing Officer was in attendance at the hearing. Taking into account the numerous occasions that the applicant had been given notice of the hearing, the fact they had not taken up the opportunity to provide a written statement, their apparent disengagement following notice that there would be a hearing, the attendance of the policing licensing officer and the members of the Licensing Sub-Committee today, Members concluded it was in the public interest to proceed in absence.

Members are aware that in determining an application for a Personal Licence where an Objection Notice has been received from the police, they must reject the application if they consider it appropriate for the Prevention of Crime and Disorder licensing objective. If they do not reject the application on that basis, they must grant it. Members reminded themselves that each application must be considered on its own merits.

Members had read the Objection Notice submitted by the police and they heard oral representations from the Police Licensing Officer Ben Allen. In his representations, the Police Licensing Officer opposed the application because the applicant had been convicted of a relevant offence namely drink driving.

The Police Licensing Officer submitted that drink driving is a serious criminal offence. Being convicted of this crime raises concerns about the applicant's suitability to hold a personal licence, which authorises an individual to supply alcohol and to authorise others to do so. This role carries a high degree of responsibility, and individuals in

such positions are expected to demonstrate sound judgement and an ability to promote the licensing objectives. In the view of the police, granting a personal licence to this individual would compromise public safety and the crime prevention licensing objective outlined in the Licensing Act 2003.

Members were careful to take account of the relevant written and oral representations in relation to the application.

The representations of the police carry great weight when considering the Prevention of Crime and Disorder licensing objective, since this falls within their area of expertise.

Members noted that the applicant's conviction for a relevant offence was recent in November 2024, it was a serious offence in the context of this application where the Statutory Guidance notes at paragraph 4.2 that *"the sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than the provision of regulated entertainment and late night refreshment. This is why sales of alcohol may not be made under a premises licence unless there is a DPS in respect of the premises (who must hold a personal licence)"*.

Members found the submissions of the Police Licensing Officer to be persuasive, and they reject the application as they consider it appropriate for the Prevention of crime and disorder licensing objective. For these reasons, authority is delegated to the licensing officer to refuse the licence as applied for.

The meeting ended at 10.52 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Licensing Sub Committee Hackney Carriage and Private Hire Drivers 'Fit & Proper' 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 Licensee presents their case, may call witnesses and may be questioned by the Committee and other parties.
4. The Chair will ask the Licensing Officers present whether they wish to comment. An Officer making comment may be asked questions.
5. The Licensee is invited to make a closing statement.
6. 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.
7. 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.
8. 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.

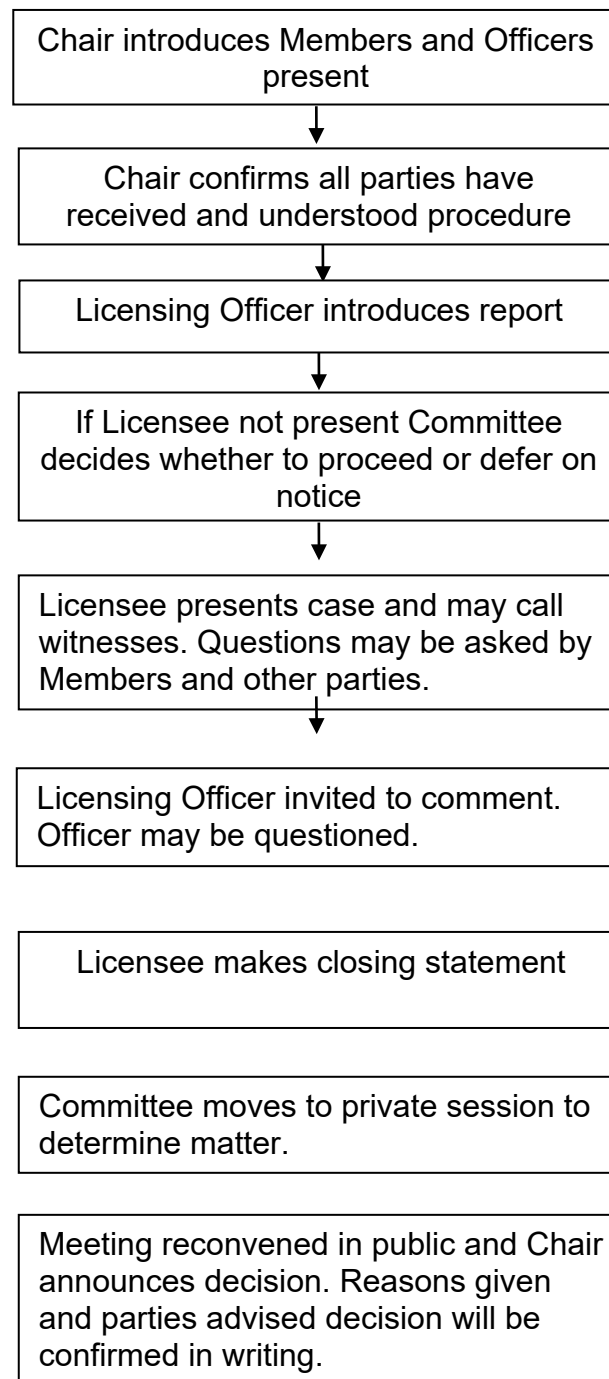
PLEASE NOTE:

- 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 'FIT & PROPER' PROCEDURE**



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Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA-2484780
Meeting / Decision: Licensing Sub-Committee
Date: Thursday 18 th September 2025
Author: Holly Woodrow
Exempt Report Title: Consideration of Fit and Proper Exempt Appendix Title(s): Exempt Annex A - Current Licence. Exempt Annex B - First Insurance Warning Exempt Annex C - Second MOT and Insurance Warning Exempt Annex D - Third and Fourth Insurance Warning Exempt Annex E - First MOT Warning Exempt Annex F - Third and Fourth MOT Warning Exempt Annex G - First Gap in MOT Correspondence Exempt Annex H - 2019 MOT history check Exempt Annex I – Third Gap in MOT Correspondence Exempt Annex J - Plate Display Letter Exempt Annex K – Immediate Suspension Documentation Exempt Annex L - Complaint Correspondence. Exempt Annex M - 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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