21 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer drew attention to the emergency evacuation procedure as set out on the Agenda.

22 APOLOGIES FOR ABSENCE

There were none.

23 DECLARATIONS OF INTEREST

There were none.

24 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR(PERSON)

There was none.

25 MINUTES - TUESDAY 3RD AUGUST 2010

RESOLVED that the minutes of the meeting on Tuesday 3rd August 2010 be confirmed as a correct record and signed by the Chair(person).

26 LICENSING PROCEDURE - HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE MATTERS

RESOLVED that the procedure for this part of the meeting be noted.

27 EXCLUSION OF THE PUBLIC

RESOLVED “that, 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, the public be excluded from the meeting for the following item(s) of business 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”.
The Sub-Committee considered the report which invited Members to consider Mr MPK’s suitability to continue to hold a combined hackney carriage/private hire driver’s licence.

At the Sub-Committee on 3rd August 2010 the matter was considered. Mr MPK was invited to attend the meeting but did not attend and requested the services of an interpreter. Members resolved that the hackney carriage/private hire driver’s licence in respect of Mr MPK be suspended, with immediate effect, given the information received from the GP and in the interests of public safety, until the next meeting of the Sub-Committee on Tuesday 7th September 2010.

The Licensee was present with his interpreter. The Licensee confirmed he had received the procedure and the Chair explained it to him.

Mr MPK put his case with the aid of his interpreter, was questioned and then made a closing statement.

RESOLVED that the hackney carriage/private hire driver’s licence in respect of Mr MPK be revoked, with immediate effect.

Reasons for decision


Members listened carefully to Mr MPK’s representations, via his interpreter. However, Members considered the immediate revocation of Mr MPK’s licence was necessary and proportionate in the interests of public safety as he had suffered a seizure which rendered him incapacitated and requiring hospital treatment. Moreover, this seizure had occurred whilst Mr MPK was driving a private hire vehicle carrying passengers. Members placed significant weight on the information received from Mr MPK’s doctor and consultant neurologist which stated Mr MPK should stop driving any vehicle and inform the DVLA, his insurance company and the licensing authority.
officer withdrew from the meeting while Members took some time to consider these documents.

Mr WRH put his case and was questioned and then made a closing statement.

Following an adjournment it was

RESOLVED that a hackney carriage/private hire driver’s licence in respect of Mr WRH be granted, subject to the standard terms and conditions.

Reasons for decision


Members listened carefully to the applicant's representations, took into account a Criminal Records check and his statement. Members noted that the offences were some 25 - 30 years ago and fell outside of the Council’s policy. Members therefore considered the applicant a fit and proper person to hold a hackney carriage/private hire driver's licence.

30 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- MR DI

The Sub-Committee considered the report which sought consideration of an application for the grant of a combined hackney carriage/private hire driver’s licence in respect of Mr DI.

The applicant was present. He confirmed he had seen and understood the procedure for the meeting.

The Licensing Officer presented the report and stated that as part of the application process a Criminal Records Bureau check was undertaken, which had revealed that Mr DI had a conviction and had also received a Police caution. He circulated the Criminal Records Bureau check and Mr DI’s personal statement. The applicant and the officer withdrew from the meeting while Members took some time to consider these documents.

Mr DI put his case and was questioned and then made a closing statement.

Following an adjournment it was

RESOLVED that a hackney carriage/private hire driver’s licence in respect of Mr DI be granted, subject to the standard terms and conditions.

Reasons for decision


Members listened carefully to the applicant's representations, took into account a Criminal Record check and his statement. Members believed that the caution was
obtained as a result of a stupid mistake and considered him to be a fit and proper person to hold a Hackney Carriage/Private Hire driver’s licence.

31 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER’S LICENCE:- MR S H

The Sub-Committee considered the report which sought consideration of an application for the grant of a combined hackney carriage/private hire driver’s licence in respect of Mr SH.

The applicant was not present.

RESOLVED that the hearing of this application be deferred.

Reasons for decision
Members took into account the Human Rights Act 1998, the Local Government (Miscellaneous Provisions) Act 1976, and the Council's Policy and noted Mr SH had failed to attend and make representations.

In the circumstances Members deferred the matter for determination to the next meeting on notice to Mr SH, that should he fail to attend the matter might be dealt with in his absence.

32 CONSIDERATION OF CONVICTION OBTAINED:- MR I W H

The Sub-Committee considered the report which sought consideration of a conviction obtained by Mr IWH during the term of his hackney carriage/private hire driver’s licence.

The Licensee was present with Mr Hollingdale of the Bath Taxi Association. He confirmed he had seen and understood the procedure for the meeting.

The Licensing Officer presented the report and circulated the police documents and statement in respect of the conviction.

The Licensee and Mr Hollingdale put his case and was questioned. He circulated some references.

RESOLVED that

Reasons for decision

Members listened carefully to the licensee’s representations, took account of his references and the representations made by Mr Hollingdale of the Bath Taxi Association. Members took a dim view of the offences but gave credit for his guilty pleas in the Magistrates Court, credit for notifying the licensing authority of the convictions and noted that as a result of his sentence his earning capacity was reduced which affected him financially.
In the circumstances, therefore, Members found that at present he continued to be a fit and proper person to hold a hackney carriage/private hire driver's licence, but gave him a warning that should he appear before the Sub-Committee in the future for any matter relating to his conduct when acting as a licensee or resulting from his criminality, his licence was at risk of revocation.

33 CONSIDERATION OF REVOCATION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE- MRS E H-H

The Licensing Officer informed Members of the Sub-Committee that this item had been withdrawn from the Agenda.

34 CONSIDERATION OF REVOCATION OF PRIVATE HIRE VEHICLE LICENCE - MR S R H

The Sub-Committee considered the report which sought consideration for the revocation of the private hire vehicle licence issued to Mr SRH due to non-payment of the licence fee.

The Licensee was not present.

The Licensing Officer presented the report, gave information about telephone contacts with the Licensee and advised Members the licence would expire on 31st October 2010.

After an adjournment it was

RESOLVED that Mr SRH's private hire license be revoked and that the fee for any future application from him must be paid in advance in cash or cleared funds.

Reasons for decision


Members noted that Mr SRH had failed to attend and that the licence fee remained outstanding notwithstanding Mr SRH had been given numerous opportunities both orally and in writing to pay. Members therefore revoked the vehicle license on the grounds of any other cause, that being failure to pay, and advised in the circumstances that any subsequent licence for Mr SRH should not be issued without payment being made with cash or cleared funds.

35 CONSIDERATION OF CAUTION OBTAINED:- MR D M

The Sub-Committee considered the report, which sought consideration of a caution obtained by Mr DM during the term of his hackney carriage/private hire driver’s licence.

The Licensee was present. He confirmed he had seen and understood the procedure for the meeting.
The Licensing Officer presented the report and circulated a statement from the Licensee.

Mr DM stated his case, was questioned by the Sub-Committee and then made a closing statement.

After an adjournment it was

RESOLVED that Mr DM be warned about his future conduct.

Reasons for decision

Members listened carefully to the licensee’s representations, noted the circumstances surrounding the police caution and gave him credit for notifying the licensing authority in full compliance with the Council’s policy.

Members took no action in the circumstances but gave the Mr DM a warning as to future conduct.

36 CONSIDERATION OF CONVICTIONS OBTAINED AND MAXIMUM PENALTY POINTS OBTAINED:- MR D R S

The Sub-Committee considered the report which sought consideration of two convictions obtained by Mr DRS during the term of his hackney carriage/private hire driver’s licence, alongside the issue that Mr DRS had been awarded the maximum twelve penalty points in a twelve month period for breach of licensing conditions.

The Licensee was not present.

The Licensing Officer presented the report and advised Members that the Licensee had failed to respond to letters from Licensing and had twice failed to attend court hearings about alleged driving offences while on bail.

Following an adjournment it was

RESOLVED that Mr DRS’ hackney carriage/private hire licence be revoked.

Reasons for decision

Members noted Mr DRS’s failure to attend and failure to contact the office with an explanation. Members further noted that Mr DRS had failed to attend North Avon Magistrates Court on two occasions to answer bail on charges of driving a motor vehicle with excess alcohol.

In the circumstances Members revoked the licence with immediate effect because of the nature and seriousness of the offence and concerns that Mr DRS’s would
continue to act as a hackney carriage/private hire driver putting the safety of fare paying customers, other road users and the public at risk.

37 CONSIDERATION OF INFORMATION RECEIVED REGARDING LICENSEE - MR LGT

The Sub-Committee considered the report which invited Members to consider information received from the Avon and Somerset Police relating to a police investigation into alleged offences committed by Mr LGT.

At the Sub-Committee on 3rd August 2010 the matter was considered. Mr LGT was invited to attend the meeting but did not attend. Members resolved that the hackney carriage/private hire driver’s licence in respect of Mr LGT be suspended, with immediate effect, given the nature and seriousness of the allegations and in the interests of public safety, until the next meeting of the Sub-Committee on Tuesday 7th September 2010.

The Licensee was not present at today’s hearing. The Licensing Officer advised that Mr LGT had telephoned to say that he would not attend the hearing as he had no further information to provide. He had been told that this was irrelevant and that his attendance was required by the Sub-Committee. The Licensee had telephoned this morning to say that he was unable to attend for personal reasons.

Following an adjournment it was

RESOLVED to suspend Mr LGT’s hackney carriage/private hire licence until the next meeting of the Sub-Committee on Tuesday 5th October.

Reasons for decision


Members noted the correspondence on file from Mr LGT acknowledging that in the circumstances his licence would be suspended. Members further noted that Mr LGT had failed to attend and that he remained on police bail whilst the allegations continued to be investigated.

Members extended the suspension of Mr LGT’s licence to the next meeting, as they believed public safety could be at risk given the nature and seriousness of the allegations under investigation.

38 CONSIDERATION OF CAUTION OBTAINED:- MR MV

The Sub-Committee considered the report which sought consideration of a caution obtained by Mr MV during the term of his hackney carriage/private hire driver’s licence.

The Licensee was not present.

The Licensing Officer presented the report. He stated that Mr MV had received a caution from the Police, which he had failed to declare to Licensing within the
prescribed 7 days. The Licensee had sent a letter on 31st August 2010 stating that he would be unable to attend today’s hearing because he would be on holiday.

Following an adjournment it was

RESOLVED to defer consideration of this matter until the next meeting of the Sub-Committee on Tuesday 5th October to give Mr MV an opportunity to attend.

Reasons for decision

Members took into account the Human Rights Act 1998, the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Policy and noted that Mr MV had failed to attend and make representations.

In the circumstances Members deferred the matter for determination to the next meeting on notice to Mr MV, that should he fail to attend the matter might be dealt with in his absence, which included suspension or revocation of his licence.

39 CONSIDERATION OF CAUTION OBTAINED:- MR R W

The Sub-Committee considered the report, which sought consideration of a caution obtained by Mr RW during the term of his hackney carriage/private hire driver’s licence.

The Licensee was present. He confirmed he had seen and understood the procedure for the meeting.

The Licensing Officer presented the report and stated that as part of the application renewal process a Criminal Record Bureau check had been undertaken, which revealed that Mr RW had received a Police caution, which he not disclosed to Licensing. The Licensing Officer circulated a Criminal Record Bureau disclosure form and a written statement made by the Licensee.

Mr RW put his case, was questioned and then made a closing statement.

Following an adjournment it was

RESOLVED that four penalty points should be attached to Mr RW’s Hackney Carriage/Private Hire licence for failure to report the caution.

Reasons for decision


Members listened carefully to Mr RW’s representations regarding the circumstances surrounding his police caution and took account of his statement. Members believed the caution was obtained as a result of a stupid mistake. However, for his failure to notify the licensing authority in accordance with its Policy, Mr RW was issued with a warning as to his future conduct and his private hire vehicle driver’s licence endorsed with 4 penalty points.
The meeting ended at 2.40 pm

Chair(person) ...........................................................................................................

Date Confirmed and Signed ..................................................................................

Prepared by Democratic Services