

## **BATH AND NORTH EAST SOMERSET COUNCIL**

### **LICENSING SUB-COMMITTEE**

Thursday, 15th December, 2016, 10.00 am

**Councillors:** Les Kew (Chair), Deirdre Horstmann and Caroline Roberts

**Officers in attendance:** John Dowding (Senior Public Protection Officer) and Shaine Lewis (Principal Solicitor)

#### **71 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer advised those present of the procedure.

#### **72 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

#### **73 DECLARATIONS OF INTEREST**

There were none.

#### **74 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

#### **75 MINUTES OF PREVIOUS MEETING**

These were approved as a correct record and signed by the Chair.

#### **76 EXCLUSION OF THE PUBLIC**

The 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, **RESOLVED** that the public should be excluded from the meeting for agenda item 8 and the reporting of that item be prevented under Section 100A(5A) of the Act, 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.

#### **77 TAXI PROCEDURE**

The Chair drew attention to the procedure to be followed for the hearing.

#### **78 APPLICATION FOR A COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - MR PH**

Mr PH confirmed that he understood the procedure to be followed for the hearing.

The Senior Public Protection Officer summarised the report and provided Members with a copy of a DBS Certificate recording a conviction for an offence committed by

Mr PH, a statement from him and three references given on his behalf. The Sub-Committee adjourned to allow Members time to study these documents.

After the Sub-Committee had reconvened, Mr PF stated his case and was questioned by Members.

Following a further adjournment, the Sub-Committee RESOLVED that Mr PH was a fit and proper person to hold a Combined Hackney Carriage/Private Hire Driver's Licence for the reasons stated below.

Reasons

Members have had to determine an application for a Combined Hackney Carriage/Private Hire Driver's Licence. In doing so they took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

Members had to decide whether the applicant was a fit and proper person to hold a licence considering all relevant circumstances.

Members took account of the applicant's written statement, references and his oral representations and balanced these against the information disclosed on his Disclosure and Barring Service Certificate.

The applicant stated the offence occurred a long time ago, was a one off and he regretted his actions. Before the incident he was a taxi driver and with a young family to support he wants to work as a driver again.

Whilst Members noted the serious nature of the offence Members felt it was historic and that the applicant had moved on with his life.

Accordingly and on balance Members found Mr PH a fit and proper person to hold a Combined Hackney Carriage/Private Hire Driver's Licence.

The meeting ended at 10.35 am

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**