

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Thursday, 19th January, 2017, 10.00 am

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

Officers in attendance: Alan Bartlett (Public Protection Team Leader), John Dowding (Senior Public Protection Officer) and Carrie-Ann Evans (Senior Legal Adviser - Bath & North East Somerset Council)

79 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised those present of the procedure.

80 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

81 DECLARATIONS OF INTEREST

There were none.

82 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

83 MINUTES: 15TH DECEMBER 2016

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

84 LICENSING PROCEDURE

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

85 EXCLUSION OF THE PUBLIC

The Committee having been satisfied that the public interest would be better served by not disclosing relevant information **RESOLVED**, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, that the public should be excluded from the meeting for the following item of business and that the reporting of the meeting be prevented under Section 100A(5A), because of the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Act, as amended.

86 APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - MR AVS

Mr AVS was accompanied by a friend, who occasionally interpreted for him.

Mr AVS confirmed that he had received and 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 statement submitted by Mr AVS. The Sub-Committee adjourned to allow Members time to study this document.

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

Following a further adjournment the Sub-Committee found that Mr AVS was not a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence and accordingly refused the application.

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, his oral representations, the representations of his witness and balanced these against the information disclosed on his BANES driving record.

The applicant stated that he had made mistakes but he was very young and he is more mature now. He had not been in trouble since and was not a criminal. He was asking for a second chance.

Members noted that Mr AVS had held a Combined Hackney Carriage/Private Hire Driver's Licence with BANES for a period of 22 months from February 2012. His license came to an end on 17 December 2013 when it was revoked by the LSC due to his conduct. His conduct included 4 complaints from the police concerning Mr AVS's action towards female passengers and pedestrians, all incidents having occurred whilst Mr AVS was using his licensed vehicle. The behaviour complained of consisted of:

- Physical advances towards a lone female passenger
- Arrest on suspicion of kidnap following an allegation that a female was taken against her will
- An incident concerning a lost phone in his taxi belonging to one of two female passengers; allegations regarding unreasonable demands for payment; and the attendance of three other taxi drivers at the scene on his request.
- An incident where it was alleged Mr AVS has pressurised a lone female to get into his vehicle and then put pressure on her for her telephone number following which, he sent her text messages and called her.

Whilst members noted that none of these allegations resulted in cautions or convictions, they were considered to be sufficiently serious to result in the revocation

of his licence on the grounds that he was no longer a fit and proper person to hold one. Mr AVS appealed this decision to the Magistrates' Court where the LSC's decision was upheld. He had further appealed to the Crown Court where his appeal was dismissed following his non-attendance. Members noted that the costs payable to the Council were still outstanding.

Members carefully considered whether Mr AVS had taken steps to demonstrate that he was now a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence. Members reminded themselves that at the heart of the taxi licensing regime was public protection and did not feel that they could rely on a promise alone, taking into account the serious history of inappropriate behaviour towards women when in his licensed vehicle and the relatively short period that had elapsed since the conclusion of the court proceedings.

Accordingly and on balance Members found Mr AVS is not a fit and proper person to hold a Combined Hackney Carriage/Private Hire Driver's Licence.

The meeting ended at 10.45 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services