

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Thursday, 29th August, 2019, 10.00 am

Councillors: Manda Rigby (Chair), Sue Craig and Michael Evans

Officers in attendance: Carrie-Ann Evans (Deputy Team Leader (Barrister)) and John Dowding (Senior Public Protection Officer)

29 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised the meeting of the procedure.

30 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

31 DECLARATIONS OF INTEREST

There were none.

32 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

33 MINUTES OF PREVIOUS MEETING: 15 AUGUST 2019

The Minutes of the 15 August 2019 were approved as a correct record and signed by the Chair.

34 TAXI PROCEDURE

The Chair explained the procedure to be followed for agenda item 36.

35 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 this part of the meeting should 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.

36 APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - 19/01360/TAXI

The applicant confirmed that he understood the procedure to be followed for the hearing.

The Senior Public Protection Officer presented the report and provided Members with a copy of a certified and translated certificate of conviction from the applicant's country of origin and a statement submitted by him. The hearing was adjourned to allow Members time to study these documents.

Following the adjournment the applicant stated his case and was questioned by Members. The applicant made a closing statement.

Following a further adjournment the Sub-Committee **RESOLVED** that the applicant was a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence. Authority was delegated to the Senior Public Protection Officer to issue the licence, subject to the satisfactory completion of the remaining stages of the licensing process.

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.

The applicant stated that he loves driving and is looking for a flexible role which is why he would like to be a licensed driver. He explained that when he returned to his former country of residence for a visit he was subject to a routine vehicle check and found out about the open criminal case against him. He explained to members that the case arose out of his duties in relation to his former business some 16 years ago. He had a duty to check documents provided to him for the purposes of his client obtaining credit and unfortunately those documents were fake.

Members took account of the applicant's oral representations and his written statement and balanced these against the information regarding his previous conviction from his former country of residence.

Members noted that they could depart from the policy where there are cogent reasons for doing so. Whilst the applicant had been convicted for an offence - committed in another country - within the last three years, the offence took place over 16 years ago. Members noted also, that he had not obtained any English convictions for the 14 year period that he has been resident here.

In those circumstances Members find the applicant to be a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence.

Members note however, that if the applicant commits any further offences he will come back before the Committee for them to consider whether or not he remains a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver's Licence.

Authority is delegated to the licencing officer to issue the licence subject to the applicant completing all steps required by the licencing process.

The meeting ended at 10.35 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services