

BATH AND NORTH EAST SOMERSET

LICENSING SUB-COMMITTEE

Thursday, 15th July, 2021

Present:- Councillors Rob Appleyard (Chair), Steve Hedges and Sally Davis

Also in attendance: John Dowding (Lead Officer - Licensing), Shaine Lewis (Team Leader, Legal Services) and Wayne Campbell (Public Protection Officer (Licensing))

15 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised the meeting of the procedure.

16 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

17 DECLARATIONS OF INTEREST

There were none.

18 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

19 LICENSING PROCEDURE

The Chairman explained the procedure to be followed for the meeting.

20 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. They **RESOLVED** that the public should 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.

21 CONSIDERATION OF FIT AND PROPER - 19/02540/TAXI

The Lead Officer - Licensing presented the report to the Sub-Committee. He explained that the report invited the Members to consider whether the Licensee concerned remains fit and proper to hold a combined Hackney Carriage/Private Hire Driver's licence having been charged with six criminal charges.

The Licensee addressed the Sub-Committee and said that he had notified the Licensing department as soon as he was made aware that he should report the charges. He added that the initial delay was because he thought that only convictions had to be reported.

He said that he believed that the charges made against him were false and that no complaints had been made against him whilst being a Licensee.

Decision and Reasons

Members have had to consider whether a Licensee remains fit and proper to hold a combined Hackney Carriage/Private Hire Driver's licence. In doing so Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

Members reminded themselves that each case is taken on its merit, they will not seek to go behind the issues and nor will they prejudge the matter. With the protection of the public being of paramount importance Members further reminded themselves that the whole of a person's character is relevant to their determination and the economic impact of their decision on the Licensee is irrelevant. In reaching a determination Members therefore took account of the Licensee's representations and balanced these against the information contained in the report and given by the Licensee during the hearing.

The Licensee stated these are false claims and he had no idea what was going on. He also stated as soon as he became aware that he should have notified licensing of the charges he contacted the officer straight away. He further stated that he had had no complaints from customers and as for the history of the application process two knife crime offence from his youth were revealed but had not been in trouble since.

In determining this matter Members remind themselves of the risks associated with unsuitable people holding a licence and that licences come with responsibility. In terms of risks these include Licensees putting themselves and passengers at risk of harm through their conduct or associations. In terms of responsibilities all Licensees have the responsibility to ensure their conduct does not undermine public confidence in the licensing regime.

Members noted that whilst the licence was granted by their colleagues in 2012 due to matters in his past the Licensee had not received any complaints about his conduct other than the current allegations. In terms of the allegations, however, the Licensee faces 6 serious allegations and he has been remanded on conditional bail to the Crown Court pending trial. Whilst the allegations remain to be proved Members were nevertheless reminded of the Code for Crown Prosecutors. Accordingly, prosecutors must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction on each charge and that the charges are in the public interest.

In short, the charges allege the Licensee was involved with an organised crime network distributing class A drugs, collecting and concealing monies derived from criminal conduct and using your licensed vehicle to do so. Members found the charges speak for themselves. Members therefore asked themselves whether they

were confident that their friends, family or loved ones would be safe and secure in a vehicle driven by this person? On the balance of probabilities Members answered the question no given the well-known risks and behaviours associated with those implicated in such allegations which only serve to undermine public confidence in the licensing regime.

Accordingly, Members did not find the Licensee a fit and proper person to hold a licence.

Whilst Members considered suspending the licence, they found that with the Licensee remanded on conditional bail the circumstances were such that a suspension would serve no purpose. Accordingly, Members took a very dim view of a Licensee being implicated in such matters and therefore revoke the licence.

22 CONSIDERATION OF FIT AND PROPER - 19/00664/TAXI

The Lead Officer - Licensing presented the report to the Sub-Committee. He explained that the report invited the Members to consider whether the Licensee concerned remains fit and proper to hold a combined Hackney Carriage/Private Hire Driver's licence having been charged with four criminal charges.

As the Licensee had not attended the meeting Members had to first consider whether to continue in their absence. Whilst Members were disappointed not to have heard from the Licensee in person they resolved to proceed in their absence.

Decision and Reasons

Members have had to consider whether a Licensee remains fit and proper to hold a combined Hackney Carriage/Private Hire Driver's licence. In doing so Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

The Licensee did not attend the hearing and the Lead Officer – Licensing provided an update stating that the Licensee consented to the matter being dealt with in his absence. Members took account of the representation and, whilst disappointed that the Licensee failed to attend given the seriousness of the allegations, resolved to determine the matter in the absence of the Licensee.

Members therefore took the report as read, including a complaint against him for which he had received a warning, and noted he had made no representations.

Members reminded themselves that each case is taken on its merit, they will not seek to go behind the issues and nor will they prejudge the matter. With the protection of the public being of paramount importance Members further reminded themselves that the whole of a person's character is relevant to their determination and the economic impact of their decision on the Licensee is irrelevant.

In determining this matter Members remind themselves of the risks associated with unsuitable people holding a licence and that licences come with responsibility. In terms of risks these include Licensees putting themselves and passengers at risk of harm through their conduct or associations. In terms of responsibilities all Licensees

have the responsibility to ensure their conduct does not undermine public confidence in the licensing regime.

Members noted that the licence was granted 2009 and the Licensee had one complaint against his behaviour dating from 2013. In terms of the allegations, however, the Licensee faces 4 serious allegations and has been remanded on conditional Crown Court bail pending trial. Whilst the allegations remain to be proved Members were nevertheless reminded of the Code for Crown Prosecutors. Accordingly, prosecutors must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction on each charge and that the charges are in the public interest.

In short, the charges allege the Licensee was involved with an organised crime network distributing class A drugs using your licenced vehicle to do so. Members therefore asked themselves whether they were confident that their friends, family or loved ones would be safe and secure in a vehicle driven by this person? On the balance of probabilities Members answered the question no given the well-known risks and behaviours associated with those implicated in such allegations which only serve to undermine public confidence in the licensing regime. Accordingly, Members did not find the Licensee a fit and proper person to hold a licence.

Whilst Members considered suspending the licence, they found that with the Licensee remanded on conditional bail the circumstances were such that a suspension would serve no purpose. Accordingly, Members took a very dim view of a Licensee being implicated in such matters and therefore revoke the licence.

The meeting ended at 10.55 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services