

BATH AND NORTH EAST SOMERSET

LICENSING SUB-COMMITTEE

Thursday, 20th April, 2023

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

Also in attendance: Carrie-Ann Evans (Team Leader, Legal Services), John Dowding (Lead Officer - Licensing), Geoff Cannon (Public Protection Officer (Licensing)), Wayne Campbell (Public Protection Officer (Licensing)) and Holly Woodrow (Public Protection Officer (Licensing))

119 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer drew attention to the Emergency Evacuation Procedure.

120 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

121 DECLARATIONS OF INTEREST

There were none.

122 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

123 LICENSING PROCEDURE

The Chairman referenced the procedure for each of the applications before the Sub-Committee and stated that all parties would be given an equal opportunity to make their representations and give evidence.

All parties present acknowledged that they had received and understood the procedure that would be followed at the meeting.

124 APPLICATION FOR A NEW PREMISES LICENCE FOR: BUDO BA, 3 ARGYLE STREET, BATHWICK, BATH. BA2 4BA

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. He explained that they were being asked to determine the application for a new Premises Licence for Budo Ba, 3 Argyle Street, Bathwick, Bath. BA2 4BA.

He stated that a relevant representation had been received from the owner of a flat located above the premises within the statutory period.

Terrill Wolyn, the applicant's agent, addressed the Sub-Committee and confirmed the application was for the Exhibition of Films (indoors), Late Night Refreshment (indoors) and the supply of alcohol for consumption on and off the premises.

In respect of the exhibition of films she said that the intention was to show Japanese films silently on screen. She added that the application does not include any request to allow live or recorded music to be played at the premises.

She explained that the concept behind the new premises had been trialled at another of the owner's premises within the city, The Grapes in Westgate Street, and that this had not had any adverse effect on any of the licensing objectives, nor had it affected the lodgings directly above it.

She informed the Sub-Committee that BeerCraft had operated from the same premises in Argyle Street between 2017 – 2022 which included a taproom underneath the residential flat. She stated that no complaints had been made to the Licensing department regarding its use.

She said that a number of other premises in the area have either later or similar hours of operation to those that are being applied for and that the premises was not within the cumulative impact area.

She stated that there have been no objections received from the Police or any other of the Responsible Authorities and no direct objection from the tenant of the flat above the premises.

She said that it was anticipated that there would be minimal noise from customers leaving the premises and that the owner was willing to offer a further condition as follows.

- No new customers will be allowed entrance to the premises beyond 23.30.

The Chairman asked if while the concept had been trialled at The Grapes whether films had been shown.

The applicant, Ellie Leiper replied that films had not been shown during the trial period.

The Chairman asked the Public Protection Officer (Licensing) if he could confirm the hours that the taproom at BeerCraft operated under.

The Public Protection Officer (Licensing) replied that they ceased their licensable activities at 23.00 every day.

Suzanne Evans had made a relevant representation and was present to address the Sub-Committee. She informed them that she owns the first floor flat above the premises and has let it on a long-term basis for the past eight years. She said that she feared her tenant would have problems if the premises operated after 23.00.

She said that the applicant had accompanied her to a visit to the flat whilst some music was played in the premises below and informed the Sub-Committee that some

of the noise was audible. She asked if a noise limiter could be put in place as part of the licence.

She stated that no additional acoustic measurements have been put in place and acknowledged that no complaints had been submitted while BeerCraft had operated within the premises. She added though that she believed that they had often closed by 21.30.

She asked whether a condition could be set as part of the licence for the number of times a year that the late licence, after 23.00, could be used.

She said that the other premises that had been referenced by the applicant's agent were clubs that were primarily in basements that have no residents above them.

She stated that she had no doubt that the owners are responsible people, but that she wished for some controls to be in place from her perspective.

She concluded by asking the Sub-Committee to consider adding the following conditions to the licence should it be granted.

- A limit to the number of nights per year the premises can operate after 23.00
- No music to be played after 23.00
- A noise limiter to be put in place on the premises
- Grant the licence for 12 months initially to allow for a review after that period

The Chairman asked if there had been a prior agreement to only operate the premises after 23.00 six times a year.

Ellie Leiper replied that this had been an error on her part and that at the time of the conversation she had had a number of other things ongoing in her life.

The Chairman asked both parties if they had any further comments to give to the Sub-Committee regarding the application.

Ellie Leiper said that she would like the flexible option to have premises open after 23.00 to give the business a chance. She added that they have a licence to open later at her other premises, The Grapes, but said that they rarely do so.

Suzanne Evans said that from her point of view it would be welcome to have some form of control over the hours of operation. She added though that she was happy with the conversations that have been held with the applicant.

Decision and Reasons

Members have determined an application for a new Premises Licence at Budo Ba, 3 Argyle Street, Bathwick, Bath. In doing so they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy, Human Rights Act 1998 and case law.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and must only do what is

appropriate and proportionate in the promotion of the licensing objectives on the information before them. Members reminded themselves that each application must be considered on its own merits.

Members had regard to 2 lots of additional information provided by the objector which comprised a chain of e-mails between the objector and applicant between 20th and 30th March 2023 and an e-mail dated 6th April 2023 from Carter Jonas. There were 2 lots of additional information from the applicant comprising Beercraft Premises Licence and Plan and 16-page additional information document.

Terril Wolyn, agent for the applicant addressed members and talked them through what was applied for in terms of regulated activities. To amplify, she explained that the exhibition of film was to enable old style Japanese black and white films to be played with no sound and that they were not applying for live or recorded music. Ms Wolyn noted that the applicant had undertaken a trial of the concept as a pop-up at The Grapes which had had no adverse effects on the licensing objectives and she noted that Beercraft which had a tap room and was located at the premises previously from 2017 until surrendered last year, had not been the subject of any complaints and this had been confirmed by the licensing team. In conclusion Ms Wolyn submitted that the proposed nature and character of the premises was reasonable, and the conditions offered were appropriate and proportionate, the premises is not in the cumulative impact area, and there had been no representations from the expert responsible authorities. On behalf of the applicant, Ms Wolyn offered an additional condition, namely "On occasions when the premises trades after 2300 there will be no new entry to the premises after 2330."

There were written and oral representations of objection from Suzanne Evans who is the owner of the flat located above the premises who felt that if granted the operation of the licence would undermine the Prevention of Public Nuisance licensing objective. Ms Evans indicated that she was not objecting to the application in its entirety but in respect of late-night activities after 2300. Ms Evans indicated that she was hoping they could negotiate a level of decibels that could be played and that there could be formal agreement. Ms Evans noted the examples of other licences submitted by the applicant and referred to differences she perceived between those premises and the application premises, in terms of nature of the operation, composition of the buildings and locations. In conclusion, Ms Evans indicated that she has no doubt that the applicant would be responsible, but she owns half of the building and feels she should have some control as well as the applicant's assurances. Ms Evans invited members to limit the number of late nights throughout the year, with no music after 11pm on the ground floor, a noise limiting device and for the licence to be given on a 12-month period initially with review at that point.

In determining this application Members were careful to take account of the relevant written and oral representations both for and against the application and balanced their competing interests but they noted that the objector was not against the application in its entirety, only in relation to activities after 2300.

Members noted that there had been no representations from Responsible Authorities nor the Licensing Authority.

Members disregarded irrelevant issues including matters concerning Building Control, matters the subject of other statutory regimes and noted that the applicant had not applied to play live or recorded music at the premises.

Members were satisfied on the evidence they had heard and read that the application, including the operating schedule and additional condition offered, would promote the licensing objectives.

Authority is therefore delegated to the licensing officer to issue the licence with conditions consistent with the operating schedule subject to the following additional condition offered by the Applicant and indicated below, which members consider to be appropriate and proportionate in the promotion of the Prevention of Public Nuisance licensing objective:

“On occasions when the premises trades after 2300 there will be no new entry to the premises after 2330.”

125 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.

It was **RESOLVED** that the public be excluded from the meeting for the following items 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.

126 CONSIDERATION OF FIT & PROPER - 22/00254/TAXI

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. He explained that they were being asked to determine whether a driver remains fit and proper to hold a combined Hackney Carriage/Private Hire Drivers licence.

He outlined the key points from the report and stated that additional information, correspondence between the driver and himself, had also been circulated to the Sub-Committee prior to the meeting.

The Chairman invited the First Complainant into the meeting. He and the Team Leader, Legal Services asked her to confirm that the content of the statement made on 27th October 2022 was true and accurate and asked her to confirm some of the specific points from within it.

The First Complainant confirmed that the statement was true and accurate.

The driver was given the opportunity to ask questions of the First Complainant through the Chairman but he did not have any questions that he wanted to ask.

The Chairman asked the driver if his recollection of the journey involving the First Complainant was similar to the statement that she had made.

The driver replied that it was not.

The members of the Sub-Committee thanked the First Complainant for attending the meeting. She then left the room as the meeting continued.

The Chairman asked the driver to address them on why he believed he should remain considered as fit and proper to hold his licence and referred him to each of the annexes from the report.

The driver informed the Sub-Committee that he had a high rating as an Uber driver and that over 15 years he had provided journeys for around 200,000 customers. He added that he has a clean driving licence and has not been convicted of any action.

He said that on the journey of 17th October 2022, it was 5/6 months ago, and he does not remember word by word the conversation, he only engaged in usual small talk with the First Complainant and that you can judge if some customers will want to talk or not. He added that many times the customer will say please I don't want to talk, I have just broken up with my boyfriend or something like that.

He denied saying that the First Complainant '...can read men's minds and you're beautiful' and that he did not offer her his mobile number. He added that he could not recall the whole conversation.

The Chairman asked the driver if he had said that he would '...lay his seat back' when nearing the home of the First Complainant.

The driver replied that he did not.

The Chairman explained that a statement had also been made by a friend of the First Complainant who was at home at the time of the journey and that she had received a text message to say that '...her driver was acting a bit weird and that she felt uncomfortable'. He added that the friend had agreed to meet the First Complainant at home after asking to be dropped at the end of their road. The driver said if this is escalated to court, he would request phone data.

The Chairman asked the driver about the incident in February 2013 involving parking enforcement officers and the driver moving back and forth on the single and double yellow lines. The driver said that there was a period of time where he was chased by parking officers, he confirmed that he was solely driving back and forth and he explained that driving there and back slowly is not an offence as at no time was he stopped.

The Chairman asked the driver about the verbal complaints regarding plying for hire at Bath University campus and asked the driver if he can only take jobs if given to him by an operator to which he replied yes. The driver denied taking any "flyers", said there was no proof and you need proof to make allegations.

The Chairman asked the driver what happened in the reported incident at Bath Spa train station in June 2018.

The driver said that the station can be busy / chaotic, especially when trains from London arrive, and that on this particular day there were 5 or 7 people in the queue outside the station. He explained that the customer, who had made the complaint, had just jumped into his car, ignoring the queue, without permission and that he had then asked him to leave the vehicle.

He added that by the time other people had got into other taxis the complainant had ended up being his customer and said that he was angry at not being accepted as his customer in the first place.

The Chairman stated that this did not match the statement that had been made by the complainant. He then asked the driver to comment on the latest incident which had been alleged to have taken place on 17th March 2023.

The driver said that he had picked up two passengers from the University and that at the bottom of Bathwick Hill the male passenger had asked to get out. At this point the driver said that the female passenger asked to sit in the front and that the male passenger had warned him that she was a 'dangerous girl'.

The driver informed the Sub-Committee that the female customer actually lives two doors away from him and that this may have in some way panicked her. He said that he sometimes makes jokes with customers and that the allegations that have been made against him are not true.

He stated that his Uber account had been suspended within 2 hours of this journey and that he had asked the Police to visit the Second Complainant to take an alcohol level reading.

The Chairman asked the driver if he had seen the Second Complainant before this journey had taken place.

The driver replied no.

The Chairman asked the driver if he had said '...I've seen you go on runs' to the Second Complainant when discussing on the journey where she lived.

The driver replied no.

The Chairman asked the driver if he had touched the Second Complainant's leg whilst the journey was in progress.

The driver replied that this was not true and said that the passenger was very drunk.

Councillor Sally Davis asked why he hadn't mentioned the male passenger's comments about the Second Complainant being 'dangerous' to the Licensing team before today.

The driver replied that he had been given little time to reply to the allegation and therefore only gave very brief answers. He said again that he thought that the Second Complainant was very drunk.

The Public Protection Officer (Licensing) asked the driver if he could recall what sort of joke he would have told on the journey with the Second Complainant.

The driver replied that he had told the passenger while on the journey that they were neighbours and that if you see my car parked here then don't worry I am not stalking you.

The Chairman asked the driver if he had any final comments to make to the Sub-Committee regarding his case.

The driver repeated his earlier comments regarding having a high Uber rating and driving over 200,000 customers. He added that he felt he was at the meeting because 1 student had taken his humour the wrong way.

Decision & Reasons

Members have had to consider whether or not the licensee is a fit and proper person to continue to hold his combined Hackney Carriage/Private Hire Driver's licence in the light of complaints made against him by female passengers and his conduct since he was first licensed by BANES. In doing so Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council Policy.

The Licensee came before the Licensing Sub Committee on 23rd March 2023 when the matter was deferred with the agreement of the Licensee due to a new complaint that had been made on 17th March 2023.

Members were aware that on 31st March 2023 the licensee had had his Combined Hackney Carriage/Private Hire Driver's Licence suspended with immediate effect in the interests of public safety. Members, however, determined the matter on its merits having considered all relevant evidence and noted the suspension did not pre-determine the outcome of the hearing.

Members had considered additional written information which comprised e-mails between the Licensee and the Public Protection Officer (Licensing) between 30th March and 6th April 2023.

Members had read the Licensee's written representations and heard from him in oral representations when he indicated that in relation the journey on 17th October 2022 he denied commenting on the passenger's looks, denied suggesting that he give her his phone number or that he would lay the car seat back at the destination. He described the passenger as being angry at the start of the journey. He indicated that he had informed the passenger of the change in route to a quicker alternative, and she had agreed to this. He denied saying anything to make the passenger feel uncomfortable however, he also said in oral representations to the Members that it was 5 or 6 months ago, and he does not remember word for word the conversation. In relation to the journey on 17th March 2023 he denied being inappropriate with the customer, he denied stroking her leg and asking if that was "okay" and he denied calling her sexy.

He explained to Members that the female passenger had, in his view, been very drunk, and he had wanted the police to take her blood alcohol levels. The Licensee's account was that the male passenger who had been in the vehicle for the first part of the journey had warned him to be "careful it's a dangerous girl" in relation to his female passenger.

The Licensee was led by the Chair through each of the historic matters on his licence so that he could give his account of those occurrences in detail. In conclusion, the Licensee asked Members to take into account that he has held his licence for 15 years, he has undertaken approximately 200,000 journeys, he has the highest rating with Uber, and he asked Members to consider if it is ok to send someone to unemployment because one student did not like something.

Members had read the witness statement provided by the complainant concerning the journey on the 17th October 2022 (the First Complainant) and they heard oral representations from her today. On questioning she indicated that the Licensee had made the following comments to her: "You can read men's minds and you're beautiful", he said he should give her his number and that he said he was going to lay his seat back. She confirmed the contents of her statement dated 27th October 2022 were true and accurate. Members had also read a statement, contained in Annex F of the reports pack, from her friend who met her after the journey had ended.

Members noted from the agenda reports pack that there was an e-mail from Uber Operations Lead UK that indicated the driver took a different turning to reach the destination but did not consider that to be a route deviation as such.

Members found the evidence that they heard and read from the complainants for the journeys on 17th October 2022 and 17th March 2023, to be credible and compelling.

It cannot have been pleasant for the First Complainant to come before the Committee today, appear in the same room as the Licensee to give her oral account and re-live what had happened to her. It was evident from how she presented before Members and taking into account the statement provided by her friend, that the words the licensee had used towards her had a lasting impact. In the immediate aftermath she was "visibly upset [and]...shaken up". Today she was in floods of tears before Members and clearly distressed.

Conversely, based on what they had heard and read from the Licensee they did not find him to be credible, he sought to minimise and deflect in the way he gave his evidence. He questioned the honesty of all of the complainants including a solicitor, Councillor, BANES Civil Enforcement Officers and two female complainants who have no relationship to each other. He mentioned things before Committee today such as the alleged comment by the male passenger concerning the 17th March 2023 incident, which he did not mention in his telephone or written account to licensing in the days after the incident. He said he could not recall the conversation with the first complainant in October 2022 but was able to give Members a through account of the incident concerning the Civil Enforcement Officers in 2013 and the incidents concerning the solicitor and Councillor in 2018. His communications with licensing officers showed a lack of respect and understanding of the seriousness of the incidents concerning him.

When weighed in the balance, Members believe and prefer the evidence of the two female complainants who are apparently completely unrelated and have nothing to gain from making unfounded allegations.

Members take into account how long the Licensee has been a licensed driver, the substantial number of journeys that he has completed and the Uber rating he described to them. However, based upon the two incidents alone concerning female passengers, Members are no longer satisfied that the licensee is fit and proper to continue to hold his combined Hackney Carriage/Private Hire Driver's Licence. They have also taken into account his BANES driver's record as a whole when considering his fit and proper status and this shows that throughout the 15 years that he has been licensed there is a catalogue of incidents and misconduct, the nature of which has been more serious as time has gone on.

The cumulative impact of these incidents when assessing the Licensee's fit and proper status have bolstered Members' finding that he is not fit and proper to continue to hold his Combined Hackney Carriage/Private Hire Driver's Licence. For the avoidance of any doubt, the incidents concerning the licensee that have led Members to conclude that he is no longer fit and proper are as follows:

- (i) On 17/03/23 he made inappropriate comments and engaged in inappropriate touching of the Second Complainant:
 - Commented that not being married meant that he "would not be able to receive blow jobs from girls like [her]"
 - Commented "you are sexy"
 - Placed his left hand on her right thigh, quite firmly for a few seconds and said "is this okay", to which she said "no" and she slid across towards the passenger side door. The driver's hand had touched the bare flesh of her thigh as she was wearing a tennis skirt.
- (ii) The Second Complainant was shocked and "worried for her safety", she has felt vulnerable leaving her flat as the driver lives close to her, she is more security conscious at home and wary of travelling in a taxi. She sent a complaint to Uber when she got home as she was very angry about what had happened.
- (iii) The Second Complainant had a male friend travelling in the taxi with her during the first part of the journey, when he left the vehicle, he said: "be careful with the driver."
- (iv) On 17/10/22 made inappropriate comments towards the First Complainant:
"You can read men's minds and you're beautiful"
He should give her his number
Made comments about her appearance and said he was lucky to drive around pretty girls like her
That he was going to lay his seat back when they got to where she lived.
- (v) Following these comments, the First Complainant sent a message to her friend and asked her to wait outside for her as she was scared.

- (vi) The friend saw the First Complainant was visibly upset and shaken when she met her immediately following the journey. The First Complainant does not feel that she wants to take an Uber taxi again, she says she would be frightened even with other people travelling with her, because of the Licensee's behaviour.
- (vii) On 12/04/12 the Licensee was given a warning for failing to declare a fixed penalty notice for speeding within the 7-day period required by condition on his BANES licence.
- (viii) On 13/02/13 he was given a verbal warning having repeatedly taunted BANES Civil Enforcement Officers employed to enforce parking matters.
- (ix) On 01/05/13 the Licensee was issued with a written warning by Licensing in relation to illegally plying for hire and it was noted that he had already been spoken to by his Operator in relation to these issues.
- (x) On 17/08/15 the Licensee was issued with a Simple Caution from the police for being drunk and disorderly in a public place. He was referred to the Licensing Sub Committee who took a very dim view of his behaviour and issued him with a formal warning in relation to his future conduct.
- (xi) On 19/09/18 the Licensee received a further formal written warning from licensing for refusal of a fare and aggressive conduct reported in writing by a solicitor. At the same time a complaint of aggressive driving reported in writing by a BANES Councillor was noted and he was informed it would be retained on his file.

Taking all of this into account, Members find that the Licensee is no longer fit and proper to continue to hold the combined Hackney Carriage/Private Hire Driver's Licence. Given the way in which his conduct has escalated and the seriousness of the most recent two matters which involved inappropriate comments and inappropriate touching of a passenger, his licence is revoked with immediate effect pursuant to section 61(2B) in the interests of public safety.

127 CONSIDERATION OF FIT & PROPER – 20/00354/TAXI

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. He explained that they were being asked to determine whether a driver remains fit and proper to hold a combined Hackney Carriage/Private Hire Drivers licence.

He outlined the key points from the report.

The Chairman asked the Public Protection Officer (Licensing) if there had ever been any gaps in insurance cover or MOT status of the driver's vehicle.

The Public Protection Officer (Licensing) replied that there had been none.

The Chairman asked the driver to address them on why she believed she should remain considered as fit and proper to hold her licence.

The driver replied apologised and said that she had simply forgot to do this part of the process. She added that she had been quite unwell over the past two years, having caught the Covid virus 5 times.

Councillor Steve Hedges asked how she would make sure that this does not happen again.

The driver replied that she would now set herself multiple reminders to fulfil the process and said that she was now more aware of how serious this situation had become.

The Chairman asked the driver if she felt she had given the Sub-Committee as much information as she could regarding her case.

The driver replied that she had.

Decision & Reasons

Members have had to consider whether or not the Licensee is a fit and proper person to continue to hold her combined Hackney Carriage/Private Hire Driver's licence in the light of failures to comply with the conditions of her Private Hire Vehicle Licence relating to insurance and MOT certificates. In doing so Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council Policy.

Members heard from the Licensee in oral representations who indicated that she had had completely forgotten, she had had Covid 5 times and health problems over the last two years. In order to stop this happening again she will make sure that she gets reminders and because she is here today, she will be more careful and aware of the consequences.

Members noted that compliance with the conditions relating to MOT and insurance certificates is vital so that the Council can be assured that the safety of the public when travelling in a BANES licensed vehicle is not compromised. Indeed, compliance with all licence conditions is of the utmost importance.

Members noted that this concerned a purely administrative failure to comply with the conditions of her licence and there had not been a gap in insurance cover.

With that in mind, on balance, Members find that the Licensee is fit and proper to continue to hold the combined Hackney Carriage/Private Hire Driver's Licence, but they issue a warning to the Licensee in the strongest possible terms that:

1. She must comply with the conditions on her licences in all matters as they are an important safeguard to ensure the safety of the travelling public.

2. She must take care to ensure that she completes her documentation related to her BANES licences with care and accuracy, if in doubt she should seek assistance from licensing.
3. It is her responsibility, nobody else's, to ensure compliance with the terms of her licences.
4. If she comes before the Licensing Sub-Committee again, against this background, there is a risk of revocation of her licence.

128 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:-22/02626/TAXI

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. She explained that they were being asked to determine whether an applicant should be granted a combined licence to enable them to drive Hackney Carriage/Private Hire vehicles.

She outlined the key points from the report and distributed copies of the Disclosure and Barring Service (DBS) Certificate and a statement that had been written by the applicant to the Sub-Committee.

The Sub-Committee paused for a few moments to allow the Members to read the content of the DBS Certificate and the accompanying statement.

The Chairman asked the applicant to address them on why he believed he should be granted a licence.

The applicant explained that since 2017 he had not had an alcoholic drink and that at this present time he did not feel that he would ever do so again. He added that he was currently a part-time bus driver.

Decision & Reasons

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

Members took into account the applicant's oral representations, the contents of the report and the results of the Disclosure and Barring Service check.

The applicant addressed Members in oral representations and indicated that he had voluntarily decided not to drink alcohol since 2017 and that he drives part-time as a bus driver.

Members noted that this previous conviction was not caught by the Council's Policy which provides that a period of 5 years should have elapsed since the last conviction of this nature, which had been in 2015. Members further noted that he was currently driving on a professional basis as a part-time bus driver.

Members determine that the applicant is fit and proper to hold a combined Hackney Carriage/Private Hire Driver's Licence.

Accordingly, authority is delegated to the licensing officer to grant the licence subject to satisfactory outcome in respect of the remainder of the licensing process.

The meeting ended at 3.30 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services