

BATH AND NORTH EAST SOMERSET

LICENSING SUB-COMMITTEE

Thursday, 10th August, 2023

Present:- Councillors Steve Hedges (Chair), Toby Simon and Michael Auton

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

17 EMERGENCY EVACUATION PROCEDURE

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

18 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

19 DECLARATIONS OF INTEREST

There were none.

20 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

21 MINUTES OF PREVIOUS MEETING: 13TH JULY 2023

The Sub-Committee **RESOLVED** to approve the minutes for the meeting held on 13th July 2023 and they were duly signed by the Chair.

22 LICENSING PROCEDURE

The driver that was present confirmed that he had received and understood the licensing procedure.

The Chair referenced the procedure and stated that the driver would be given a fair amount of time to make a statement and give his evidence to the Sub-Committee.

23 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.

**24 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:
23/00675/TAXI**

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. He explained that they were being asked to determine the driver's fitness to be granted to hold a combined Hackney Carriage/Private Hire Driver's licence.

The members of the Sub-Committee had no questions for the officer at this stage.

The driver addressed the Sub-Committee and explained that when he had previously held a licence he had received no complaints about his conduct from any members of the public.

He stated that he understood his illness and that he was receiving support for it from his doctor and consultant. He added that he was taking medication to manage his condition.

Councillor Toby Simon asked the driver if he anticipated working late at night as he had done when he had previously held a licence.

The driver replied that he did not intend to work late at night and would begin by working just a few hours in the day and then occasionally working until 10.00pm / 11.00pm.

The Lead Officer (Licensing) asked how he would respond when inevitably business at the ranks begins to pick up in the later part of the evening.

The driver replied that his health absolutely comes first and that he would not continue to work into the early hours of the morning.

The Team Leader, Legal Services noted that he had previously decided to stop taking his medication and asked if it was likely that he would do that again.

The driver replied that he greatly understands the need to keep taking his medication and that he would not stop taking it. He added that he had also stopped smoking and had begun going to the gym to help improve his health.

The Chair asked if he had any form of support network in place outside of the professionals that help and advise him.

The driver replied that he meets with a care co-ordinator once a month and has family support, especially from an older sister.

The Chair asked if he had given all the evidence that he had wished to the Sub-Committee.

The driver replied that he had.

Decision and Reasons

Members have had to determine an application for a combined Hackney Carriage/Private Hire Driver's Licence with regard to the applicant's medical condition. 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, they also took full account of the report by the officer, the medical evidence submitted and oral representations from the applicant.

The applicant indicated that he used to be a driver in the past and had no problems with his passengers and no complaints. He acknowledged his illness but indicated that this was being managed with medication and the support of his doctors. He confirmed to Members that he has a wider support network which includes his care co-ordinator and is very close with his family, especially his older sister.

The applicant recognised the importance of his medication and had learnt his lesson from when he had stopped taking it back in 2014. He explained to Members that he loves driving and wants to be a positive member of the community and get back to work. On questioning he indicated that his health is more important than earning money and he would not do the night-time hours that he used to do.

He anticipates working mainly off the rank for a few hours in the day, and possibly 10 -11pm in the evening and then he would go home.

Members had regard to the reports from the applicant's consultant psychiatrist dated 15/09/22 and 12/05/23; the latter dealt in particular with the applicant's fitness from a DVLA Group 2 Vocational Driver's perspective.

Members noted from the consultant psychiatrist's reports before them that:

- the applicant had an established diagnosis of Schizoaffective Disorder which is of a relapsing remitting nature and that he had responded to treatment with antipsychotic medication which he continues to take in a low dose.
- The applicant does not appear to be over sedated, although he has periodically reported concerns about occasionally sleeping too much in the day.
- Broadly the applicant has been stable for the last 5 years and there have not been any significant relapses in his mental health.
- At the height of the first Covid lockdown there were concerns about the decline in his mental health, where he presented as agitated and frustrated, and was vulnerable after being assaulted. He engaged with treatment changes and his mental health settled quickly.
- The applicant is relatively frequently in contact with the team with quickly changed views about his medication, concerns about isolation and loneliness or other queries.
- The consultant comprehends that previously, more lucrative late-night shifts were understandably more appealing to work for the applicant, which led to a disruption of sleep, and this would be the consultant's main concern about the impact of future taxi work on the applicant's well-being.

- The applicant would meet the criteria to hold a Group 2 Vocational Driver’s Licence and on some level expresses insight into the role poor sleep and his work patterns previously had on his mental health.

In all the circumstances, on balance and having particular regard to the consultant psychiatrist’s view that the applicant meets Group 2 requirements, Members find the applicant to be a fit and proper person to hold a combined Hackney Carriage/Private Hire Driver’s Licence. However, given the concerns noted by the psychiatrist as recorded above, Members consider it reasonably necessary to impose an additional condition of the licence pursuant to section 51(2) Local Government (Miscellaneous Provisions) Act 1976, as follows:

The applicant shall provide to the Licensing Department a report in writing from a specialist psychiatrist in relation to his current mental health and the prognosis:

- (i) by the end of February 2024; and
- (ii) annually thereafter for as long as he remains licenced with BANES to hold a Combined Hackney Carriage/Private Hire Driver’s Licence.

Authority is delegated to the licensing officer to dispense with or vary this condition on renewal of the licence if satisfied that it is no longer reasonably necessary.

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 11.32 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services