

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Thursday, 30th November, 2023, 10.00 am

Councillors: Steve Hedges (Chair), Toby Simon and Ann Morgan

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

59 EMERGENCY EVACUATION PROCEDURE

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

60 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

61 DECLARATIONS OF INTEREST

There were none.

62 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

63 LICENSING PROCEDURE

The Chair referenced the procedure that would be followed during the course of the meeting.

Those that were present confirmed that they had received and understood the licensing procedure.

64 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.

65 CONSIDERATION OF FIT AND PROPER - 22/00175/TAXI

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

The licensee addressed the Sub-Committee and stated that he has a lack of computer knowledge and needs to ask his daughter to help him.

The Chair advised him that for matters as important as this he should consider asking if he can be supplied with a paper copy so that he can complete the required process.

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 failures to comply with the conditions of his 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 he struggles with technology and relies upon his daughter for assistance. He explained that she has her own life, so he has to wait for her help. The licensee accepted that he was totally guilty of what had been alleged.

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 the licensee had held his licence with BANES for over 13 years and found that there had been no complaints in relation to his conduct from members of the public.

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 final warning to the licensee that:

1. He must comply with the conditions on his licences as they are an important safeguard to ensure the safety of the travelling public.
2. He must seek assistance in using technology, if required, in order to comply with the conditions of his licence.
3. If he comes before the Licensing Sub-Committee again, against this background, there is a strong risk of revocation of his licence.

66 CONSIDERATION OF FIT AND PROPER - 22/00399/TAXI

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

The licensee addressed the Sub-Committee and stated that she had forgotten to supply the appropriate paperwork due to having recently changed her vehicle to be able to comply with the Clean Air Zone (CAZ).

She added that she has recognised that her clerical work for her job needs to improve and said that she has put steps in place to be more organised. She said that she has compiled a list of things that need to be completed, made a spreadsheet to track these tasks and set reminders on her phone.

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 it was entirely her fault and that she had so much going on changing her vehicle that this was an oversight. She accepted that did not explain her previous non-compliance, including her failure to notify Licensing of a speeding fixed penalty notice, and this was down to her not being very good with clerical stuff. She indicated that she had put a lot of steps in place to ensure that this mistake does not happen again.

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 the licensee had received a written warning from Licensing in December 2020 for failing to disclose a speeding conviction from 2016. Members noted that the licensee had held her licence with BANES for over 10 years and found that she had never had complaints in relation to her conduct from members of the public.

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 final warning to the licensee that:

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

2. She must set up arrangements which will ensure that she complies with all the obligations of her licences.
3. If she comes before the Licensing Sub-Committee again, against this background, there is a strong risk of revocation of her licence.

67 CONSIDERATION OF 'FIT AND PROPER' STATUS - 22/00544/TAXI

Members were due 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 an undisclosed speeding conviction and his conduct with the licensing section. 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 licensing section received an e-mail from the licensee at 08:05am on the morning of the hearing indicating that he would not be attending due to his health. He explained that he had been experiencing panic attacks for the last month. He noted that he had attended all of the meetings with the Licensing team and apologised for the trouble. He said he would wait to see which decision would be taken.

Members noted from the Hackney Carriage and Private Hire Driver's hearing procedure that where a party fails to attend, the Committee will consider whether to proceed in absence or defer to the next meeting. Having considered this, Members have decided that it is in the interests of all concerned to defer the meeting to 14th December 2023, or such subsequent meeting as is appropriate in the discretion of the Licensing team. The deferral is so that the licensee can appear before Committee to give his account in person. If the licensee fails to attend on the next occasion, the Committee may proceed in his absence.

The meeting ended at 11.13 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services