

# **BATH AND NORTH EAST SOMERSET**

## **LICENSING SUB-COMMITTEE**

Thursday, 13th June, 2024

**Present:-** Councillors Steve Hedges (Chair), Onkar Saini and Shaun Hughes

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

### **1 EMERGENCY EVACUATION PROCEDURE**

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

### **2 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

### **3 DECLARATIONS OF INTEREST**

There were none.

### **4 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

### **5 MINUTES OF PREVIOUS MEETING: 18TH APRIL 2024 AND 24TH APRIL 2024**

The Sub-Committee **RESOLVED** to approve the minutes of the meetings held on 18<sup>th</sup> April 2024 and 24<sup>th</sup> April 2024.

### **6 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.

### **7 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.

## **8 CONSIDERATION OF FIT AND PROPER STATUS - 22/00116/TAXI**

The Lead 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 was asked by the Chair to address them on the matters raised within the report and why he felt that he remained fit and proper to hold his licences.

### 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 a conditional caution received during the term of his licence. 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 there was not a lot he could add to his written statement. He updated Members that he had attended the two five-hour courses required by his conditional caution. He described the incident that gave rise to the caution as an isolated domestic matter. He indicated to members that he regretted the whole thing and noted that he had been a taxi driver for a very long time without any complaints from members of the public.

Members noted that the licensee had held his licence with BANES for approximately 16 years and found that there had been no complaints in relation to his conduct from members of the public. They noted that the Avon and Somerset Police Taxi Compliance Officer indicated that there was no suggestion that the licensee poses any risk to the public and there are no other recent matters (including traffic offences) that appear to have an impact on the assessment of whether the licensee is fit and proper to hold a licence.

Members noted that the licensee had complied with the obligations of his licence in reporting his caution and had been co-operative with the licensing department.

On balance, Members find that the licensee is a fit and proper person to continue to hold the combined Hackney Carriage/Private Hire Driver's Licence. They were satisfied that the experience of coming before the committee was enough to mark this matter and accordingly, they take no further action.

**9 CONSIDERATION OF FIT AND PROPER STATUS - 21/02399/TAXI**

The Sub-Committee **RESOLVED** to defer this report at the request of the licensee and said that it was not due to not take place until 11<sup>th</sup> July 2024 at the earliest.

The meeting ended at 10.36 am

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**