

## **BATH AND NORTH EAST SOMERSET**

### **LICENSING SUB-COMMITTEE**

Thursday, 11th July, 2024

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

**Also in attendance:** Carrie-Ann Evans (Team Leader, Legal Services), John Dowding (Lead Officer - Licensing) and Holly Woodrow (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: 27TH JUNE 2024**

The Sub-Committee **RESOLVED** to approve the minutes of the meeting held on 27th June 2024.

#### **22 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.

#### **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 CONSIDERATION OF FIT AND PROPER - 21/02399/TAXI**

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. She 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. There was an update to the report to confirm that the licensee was first licensed from 11<sup>th</sup> December 2009.

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 licence.

The licensee handed out a prepared written statement in which he stated that he accepted responsibility for failing to produce the correct documentation within the set time periods and that he was sorry for this.

Councillor Toby Simon referred to an incident from 2015 and asked the licensee if he had learned from this.

The licensee replied that he had learnt from it and stated that no further incidents regarding his conduct had been received since.

The Chair stated the importance of having all the required paperwork in place and the need to abide by the conditions of his licence. He asked the licensee why he had not met the previous deadlines and how would he be able to guarantee that these conditions were met in the future.

The licensee replied that the second warning had been received during the Covid pandemic while he had been in Pakistan and that the third warning was received while he was going through some personal difficulties. He added that he had now put the relevant dates into his Google apps and had set-up reminders for them.

The Lead Officer (Licensing) addressed the Sub-Committee and informed them that the second warning had been given to the licensee in May 2019 before the pandemic had begun. He added that this written warning had been handed to the licensee in person and that a verbal warning was also given.

The licensee made a summing up statement to the Sub-Committee in which he apologised once more and assured them that this would not happen again.

### 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 Hackney Carriage 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.

The Licensee was supported at the Sub-Committee by a personal representative and an interpreter. The Licensee handed up a written statement in support that he had prepared for the Sub-Committee. In that statement the Licensee admitted that everything he had been accused of was correct and he was very sorry for what he had done. He did not want to offer any excuses for his wrongdoing as he did not want to insult the committee. He accepted any action that the Sub-Committee would take against him.

He understood the importance of providing documents to licensing in order to protect members of the public and that he had been warned in the past. In explanation for his recent failure to provide his MOT and insurance certificates he informed members that he had been going through personal difficulties, but he had now put measures in place, including reminders on his Google Apps, so that he does not forget to submit his documents again. Crucially, the Licensee indicated that at no point was he uninsured or driving without an MOT. He indicated that he enjoys his job and would never do anything intentionally to stop him doing it.

On questioning by Members, the Licensee indicated that he had learned lessons following the complaint in 2015.

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 at no point was the Licensee driving without insurance or an MOT and that he had put measures in place to ensure that he did not breach the conditions of his licence in future.

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, 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 set up and maintain arrangements which will ensure that he complies with all the obligations of his licences.
3. If he comes before the Licensing Sub-Committee again, against this background, there is a strong risk of revocation of his licence.

The meeting ended at 10.49 am

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**