

BATH AND NORTH EAST SOMERSET

LICENSING SUB-COMMITTEE

Thursday, 20th March, 2025

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

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

132 EMERGENCY EVACUATION PROCEDURE

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

133 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

134 DECLARATIONS OF INTEREST

There were none.

135 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

136 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.

137 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.

138 CONSIDERATION OF FIT AND PROPER STATUS - 2025/MAR/01/TAXI

Decision & Reasons

Members were due to consider whether to renew the licensee's combined Hackney Carriage/Private Hire Driver's licence in the light of their BANES licensing record and having been charged with an offence.

The licensee did not attend the hearing but had contacted the Licensing Officer the morning of the meeting and indicated that they were fasting for Ramadan and not feeling well. They made a request that the hearing be dealt with in their absence or adjourned until after Ramadan.

As such, Members considered whether to defer the determination of this matter. They had regard to the procedure set out in the agenda reports pack which indicates *"in circumstances where a party fails to attend the Committee will consider whether to proceed in absence or defer to the next meeting. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations will be considered."*

Members noted the licensee's request and the fact that their licence had expired in any event, as such they decided to defer the hearing until such time as the licensee submits a new application for a Combined Hackney Carriage/Private Hire Driver's Licence. If they fail to attend on any such occasion, the matter may proceed in their absence.

139 CONSIDERATION OF FIT AND PROPER STATUS – 25/MAR/02/TAXI

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

Councillor Toby Simon asked if the licensee had undergone a DBS check as part of the application renewal process.

The Public Protection Officer (Licensing) replied that they had and it was clear.

In response to the matter raised on 31st May 2024 relating to their private hire vehicle having been observed being driven with no private hire operator door signs, the licensee asked what they were supposed to do if the operator does not have any.

The Public Protection Officer (Licensing) replied that this information would have been helpful in response to the email sent when this matter was first raised.

The licensee addressed the Sub-Committee and said that they had been doing the job for 30 years, loved doing it and loved helping people.

The licensee explained that they were dyslexic and had shied away from telling people all their life. They added that they have difficulty in responding to written queries, but had always responded to phone calls.

Councillor Simon said that he understood the difficulties that the licensee had raised, but explained to them that they have a responsibility to respond to enquiries from Council officers. He asked the licensee if they had anyone that could help them with these matters.

The licensee replied that they didn't really have anyone close to home who could help and that they have a sibling who lives in Trowbridge.

Councillor Simon asked the licensee how often they check their email account.

The licensee replied that they check it around every couple of weeks, scan through the messages and acknowledged that they might miss important messages.

Councillor Ann Morgan asked the licensee if they had been diagnosed as having dyslexia.

The licensee replied that they had been told they had dyslexia in 1967 and received some special lessons at school. They added that they do not have a modern diagnosis from a doctor.

The Team Leader, Legal Services asked the licensee how they feel about the licence renewal application process.

The licensee replied that it fills them with extreme panic.

Councillor Simon asked the licensee if they had considered contacting any organisations that could help with their dyslexia.

The licensee replied that they had not.

Councillor Simon read aloud the complaint that had been received from Uber in October 2024. He asked the licensee if they had made the alleged comments to a customer and whether they could confirm they had been the driver in question.

The licensee replied that he did not believe that it could be them as they would never have made such comments.

The Team Leader, Legal Services asked how Uber attribute complaints when they are received.

The Public Protection Officer (Licensing) replied that this is done through their booking records.

Councillor Simon asked the licensee if they would be able to check the booking details for that evening on the Uber app.

The licensee, having checked the app, confirmed that they were driving at the time of the booking in question. They added that the fare had cost £5.82 and the trip was between Dorchester Street and Lansdown Road. The licensee stated again that they would not have made the alleged comments.

The Team Leader, Legal Services asked if they had received a tip or rating for the fare.

The licensee replied that they had not.

The Team Leader, Legal Services asked if they had been reinstated by Uber.

The licensee replied that they had as Uber had concluded that there was no case to answer.

Councillor Ann Morgan asked how the licensee felt about the allegations that had been made.

The licensee replied that it felt horrible to have been accused of saying such things.

The Chair stated to the licensee that should the Sub-Committee decide that they can keep their licence they must find a way to access their emails on a regular basis, understand them and reply to those that require such an action.

The licensee said that they had nothing further to add apart from they want to be able to carry on doing their job.

Decision & Reasons

Members have had to consider whether to renew the licensee's combined Hackney Carriage/Private Hire Driver's licence in the light of a complaint from a member of the public, failures to comply with reasonable requests of licensing officers and their driving record. 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 they have dyslexia and problems responding to the written word which is why they had not responded to the email requests from Licensing. They said that they have been a licensed driver for over 30 years and like the job and helping people. Whilst they acknowledged that they had undertaken the job in October 2024 from which the sexual harassment allegation has arisen, they firmly denied the allegations and said they were not things that they would have said.

They had denied the allegations when Uber had requested their account and had been reinstated to the Uber platform as Uber had found no case to answer.

In relation to the allegation that the licensee had driven their private hire vehicle in May 2024 without private hire operator door signs displayed, the licensee indicated this was because the operator did not have any door signs. The licensee accepted

that they must try harder to manage their affairs and in summing up said they were a decent person who wants to carry on doing the job.

In relation to the complaints from 2019 and 2021, Members noted that no further action had been taken in relation to those, and they did not seek to revisit them.

In relation to the May 2024 allegation Members noted that the licensee's explanation that the operator does not have door signs was credible. In relation to the October 2024 complaint Members noted that it was one person's word against another, the complainant had not responded to requests for further information from the Licensing Section and Uber had reinstated the licensee to the platform, the licensee having issued a complete denial of all the allegations made.

Members were fully appreciative of the difficulties dyslexic people can have dealing with modern life in written form and have due regard to BANES' duties under the Equality Act 2010 however as a BANES licensed driver the licensee has a responsibility to comply with the requirements, conditions and legislation they are bound by.

Members noted that as part of the application renewal process an enhanced DBS check had been undertaken which was clear.

On balance, Members find that the licensee is a fit and proper person to hold the combined Hackney Carriage/Private Hire Driver's Licence on renewal, subject to satisfactory completion of the process, however, they issue a final warning to them that:

- i. They must ensure that they comply with all requirements, conditions and legal obligations upon them as a BANES licensed driver.
- ii. They must put measures in place to ensure that they comply with (i) above, which may involve seeking support for the dyslexia that they have reported.
- iii. The licensee must provide to the Licensing Section details of the measures they have put in place for (ii) above within 4 weeks from the date of this Committee i.e. by 17th April 2025.

If the Licensee is referred back to the Licensing Sub Committee following further non-compliance with the requirements of their licence or further failure to respond to requests from the licensing team they are at risk of revocation of their licence.

The meeting ended at 11.40 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services