

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Thursday 12th June 2025, 10.00 am

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

Officers in attendance: Holly Woodrow (Public Protection Officer (Licensing)) and Emma Howard (Lawyer (Regulatory & Prosecution))

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

The Lawyer (Regulatory & Prosecution) addressed the Sub-Committee and provided the following update.

At the Licensing Sub-Committee Meeting on 3 April 2025, Members considered the fit and proper status of the licensee, the reference was 2025/APR/01/TAXI.

Member's reasons for this item included "that the licensee attend a driver's speed awareness course within the next three months and to provide evidence of successful completion of the course to the Council's officers. Officers will refer the matter back to the Licensing Sub-Committee if this is not done. The licensee must notify officers of any further motoring offences within the timeframes set out within their licence."

It was not possible for the licensee to attend a Speed Awareness Course, as to be eligible for this course an individual needs to be referred by the police with a crime reference number.

An alternative course was identified by the Licensing Officer, a Speed Management Workshop run by Trusted Training and Compliance (TTC), where drivers can self-refer onto the course and the course involves training on speed management and avoiding speeding.

Councillors Steve Hedges, Ann Morgan and Toby Simon have approved an amendment to the Member's decision and reasons. The member's decision quoted above, is amended by removing "driver's speed awareness course" and replacing this with "Speed Management Workshop".

The workshop is required to be completed within three months and evidence of the workshop being completed is to be provided to Council officers (for example, proof of payment, certificate of the course or confirmation the course was completed).

The licensee has been kept fully informed and updated in relation to this amendment to the Member's decision.

5 MINUTES OF PREVIOUS MEETING: 15TH MAY 2025

The Sub-Committee **RESOLVED** to approve the minutes of the meeting held on 15th May 2025 and they were duly signed by the Chair.

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 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE: 2025/JUN/03/TAXI

Members were due to consider whether to grant a combined Hackney Carriage/Private Hire Driver's licence to an applicant. DBS check results and a review of the applicant's DBS certificate disclosed three previous convictions. In accordance with the BANES policy on previous convictions, cautions, fixed penalty notices, this application was subsequently referred to the Licensing Sub-Committee for determination.

The applicant did not attend the hearing. The report for the hearing was sent to the applicant three weeks before the hearing. The Licensing Officer contacted the applicant before the hearing to confirm they would be attending, as they had not responded following the circulation of the report. The applicant then responded to the Licensing Officer the day before the hearing, notifying them they had started a new job and were on a training course this week and next week.

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 applicant's availability and decided to defer the hearing until 26 June 2025. If they fail to attend on this date, the matter may proceed in their absence.

9 CONSIDERATION OF FIT AND PROPER STATUS - 2025/JUN/01/TAXI

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. She explained that they were being asked to consider whether the licensee remains fit and proper to hold a combined Hackney Carriage/Private Hire Drivers licence issued by this authority, following a series of complaints having been made against them.

The licensee addressed the Sub-Committee. They said that they had been stupid, would not now answer back to anyone anymore and would keep their mouth shut.

Councillor Toby Simon suggested the licensee attempt to count to 10 before replying if they felt like they were becoming angry. He said the licensee should think carefully before responding to a customer or a member of the public.

Councillor Ann Morgan asked the licensee if they realise that the language they had used in the reported incidents was unacceptable.

The licensee replied that they would not answer back badly anymore.

The Chair asked the licensee about the complaint involving smoking in their licensed vehicle, on 14 June 2016.

The licensee responded that it had been only once.

The Chair reminded the licensee that they represent the Council when carrying out their role. He said that he was concerned by their behaviour when dealing with a vulnerable passenger on 8th September 2022 and said that they should have been treated with more consideration. He said that the licensee could have checked with the Operator before entering into a dispute with the passenger.

The Chair asked the licensee if they felt that attendance of an anger management course would help.

The licensee replied that they felt that they would be calm with their passengers in the future.

The Chair asked the licensee if they would like to make a closing statement.

The licensee replied that they had nothing further to add.

Decision & Reasons

Members have had to consider whether or not the Licensee is a fit and proper person to continue to hold their combined Hackney Carriage/Private Hire Driver's licence in the light of complaints made against them regarding their licence.

In doing so Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

It is a legal requirement that drivers and operators must be 'fit and proper' for a licence to be granted under the Local Government (Miscellaneous Provisions) Act 1976. The Fit and Proper Person test is a statutory test, but there is no statutory definition. However, the Panel needs to be mindful of the Council's Policy and the Statutory taxi and private hire vehicle standards which provides the Fit and Proper person test as: "Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a fit and proper person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question: Without prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?"

Members have asked themselves if they would allow their friends, loved ones and indeed all members of the community to travel alone in a vehicle driven by this person, which is considered to be substantively the same as the suggestion in the Standards Guidance. Members of the Licensing Sub-Committee are aware that decisions on the suitability of an applicant or licensee are made on the balance of probabilities.

Members heard from the Licensee in oral representations and they had read the written explanations given by them in the agenda report pack.

Members considered the seven complaints against the Licensee, since they were first licensed. Members noted that the Licensee had received complaints from seven different people. The Licensee had shouted and been rude to passengers on previous occasions.

In oral representations, the Licensee said they had answered back, this had been stupid, they would try not to do this anymore. If a passenger were to swear at them, they will now not answer and will keep their mouth shut. The Licensee also said they would now go home if there were potential issues with speaking inappropriately to others.

In relation to the complaint on 14 June 2016 where the licensee was witnessed smoking in their licenced Private Hire Vehicle and then paid a Fixed Penalty Notice. Members requested further information from the licensee about this incident. The Licensee responded that smoking in their vehicle had been on one occasion.

On 8th September 2022, a complaint was received alleging the licensee had shouted at a vulnerable passenger, used bad language and requested they exit the vehicle due to a dispute over payment. Members noted that the Licensee could consider

various techniques for managing their behaviour and anger issues. For example, taking a 10 second break before responding to comments to work at keeping calm.

Members also considered the Licensee's previous referral to a Licensing Sub-Committee on 25 May 2017. At that Sub-Committee, the Licensee received a warning about their future conduct relating to speeding convictions and the fixed penalty notice. Members considered that the current referral to the Licensing Sub-Committee on 12 June 2025 was in relation to different circumstances, regarding complaints from members of the public about their behaviour.

The licensee confirmed to Members they would work on staying calm and would go home if there were potential issues with their behaviour.

Therefore, 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 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 conduct themselves with professionalism as an ambassador for BANES and be polite and considerate in all interactions as a BANES licensed driver.

If there are any further issues with their conduct and behaviour towards passengers, they will be referred back to the Licensing Sub-Committee and they are at risk of losing their licence by having it revoked.

The meeting ended at 11.08 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services