

BATH AND NORTH EAST SOMERSET

LICENSING SUB-COMMITTEE

Thursday 18th September 2025

Present:- Councillors Steve Hedges (Chair), Ann Morgan and Sarah Moore (in place of Toby Simon)

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

27 EMERGENCY EVACUATION PROCEDURE

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

28 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor Sarah Moore was present at the meeting as substitute for Councillor Toby Simon who had sent his apologies to the Sub-Committee.

29 DECLARATIONS OF INTEREST

There were none.

30 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

31 MINUTES OF PREVIOUS MEETING: 24TH JULY 2025

The Sub-Committee **RESOLVED** to approve the minutes of the meeting held on 24th July 2025 and they were duly signed by the Chair.

32 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.

33 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.

34 CONSIDERATION OF FIT AND PROPER – 2025/SEP/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.

The Chair asked if officers would accept notification from a licensee if their vehicle had developed a fault which would lead to the late submission of an MOT certificate.

The Public Protection Officer (Licensing) replied that if a fault was identified that would delay the issuing of the MOT certificate and the licensee declared that the vehicle was not in use during that time, this would be acceptable.

The licensee said that they had no recollection of the complaint made against them in January 2022.

The Public Protection Officer (Licensing) replied that copies of the email exchange were within the agenda pack (Annex L). She handed the licensee a hard copy of the agenda pack so that they could see the complaint.

The Chair announced that as there was no resolution to the complaint, he would ask the other members of the Sub-Committee to disregard it.

The licensee addressed the Sub-Committee and said that they take their role seriously and enjoy working with the public. They acknowledged that they must improve with regard to the administrative duties of the role.

Councillor Sarah Moore commented that the licensee's vehicle and its condition must be a priority to them. She asked why they had driven it without an MOT.

The licensee explained that while there had been a number of instances where there were gaps in MOT cover they had only carried passengers in one of those periods.

Councillor Sarah Moore asked the licensee why there was reference to three names when they booked their vehicle into repair.

The licensee responded that the correspondence included their personal email, the individual who booked the vehicle in and their friend who had obtained a discount for them at the garage.

Councillor Ann Morgan asked the licensee what they felt they could do to improve their organisational skills.

The licensee said that they would ask their partner to help with the administrative parts of the job.

The Chair stated that in his view, for the licensee to have this many gaps in MOT cover was appalling. He added that the licensee would have been aware of the conditions of their licence when it had been granted to them.

He explained to the licensee that there were many apps available to help with reminders that they could use on their mobile phone and that normally insurance companies send reminders for renewal.

The licensee said that they would look into using a reminder app and would strive to do better. They will request that their partner assists them to ensure this does not happen again. They said that they regretted that their actions had led to a meeting of the Sub-Committee being required.

The Lawyer (Regulatory & Prosecution) asked the licensee if they had current insurance cover for their vehicle.

The licensee replied that they do.

The Chair informed the licensee that having a bald tyre is a health and safety issue. If there are any faults they must get them fixed.

The licensee confirmed they understood.

The Chair confirmed the Public Protection Officer (Licensing) could give the licensee another copy of the BANES Council Hackney Carriage and Private Hire policy.

Councillor Sarah Moore queried why the car registration included in the car repairs invoice was not the registration of their car.

The licensee responded that this was the registration of their previous vehicle. They had changed their vehicle, due to Clean Air Zone requirements.

By way of a closing statement, the licensee apologised that matters had reached this position and stated that having their licence was so important to them and their family.

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 light of the late provision of new insurance certificates four times and new MOT certificates four times to the Licensing Team.

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, this 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 noted that the Licensee had received four warnings for the late provision of new insurance certificates and four warnings for the late provision of MOT certificates. This was contrary to Hackney Carriage Vehicle Licence conditions that require these certificates to be provided to the Licensing Team within seven working days of their expiry.

Compliance with these conditions 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.

Members also noted there were three instances of gaps in MOT cover and two further enforcement matters.

In oral representations, the licensee confirmed their strengths include driving and dealing with the public and tourists and taking children to school. They accepted they struggle to keep on top of administration but have provided good service as a taxi driver since 2010.

The licensee accepted they had carried passengers when there was a gap in MOT cover in 2018, but they had not carried passengers in the two other instances of gaps in MOT cover.

The licensee confirmed they could seek assistance from their partner with organisation and support for their vehicle administration.

The licensee informed the attendees that their insurance has always been up to date and they currently have insurance. They had not sent in the insurance papers.

The licensee will strive to keep on top of administration and will ensure this does not happen again. They regretted that they had reached this stage of proceedings.

In summing up, the licensee apologised for their actions, their driver's licence is important to them to support their family and this is their only job.

Members gave weight to the licensee confirming they would improve their organization skills and also seek support from their partner.

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, policies 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;
- (iii) They must update the Licensing Team as soon as possible if there are any issues with their vehicle and inform the Licensing Team if there is a delay in paperwork and the reasons for the delay as soon as possible;
- (iv) They must put in place a reminder system when MOT is due and to supply new MOT certificates and new insurance certificates to the Licensing Team within the timescales required, which may involve seeking support from friends or family members. They must ensure that they download an app such as the Cozi app, or equivalent, in order to manage their diary and administrative affairs. They must arrange to meet a member of the Licensing Team to show them that a reminder system has been set up within the next four weeks (by 16 October 2025).

If there are any further issues against this background, or if they do not meet with the Licensing Team to provide details of the reminder system that has been established, 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 11.13 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services