

## **BATH AND NORTH EAST SOMERSET**

### **LICENSING SUB-COMMITTEE**

Thursday 12th February 2026

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

**Also in attendance:** Emma Howard (Lawyer (Regulatory & Prosecution)) and Wayne Campbell (Public Protection Officer (Licensing))

#### **42 EMERGENCY EVACUATION PROCEDURE**

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

#### **43 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

#### **44 DECLARATIONS OF INTEREST**

There were none.

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

There was none.

#### **46 MINUTES OF PREVIOUS MEETING: 16TH OCTOBER 2025**

The Sub-Committee **RESOLVED** to approve the minutes of the meeting held on 16th October 2025 and they were duly signed by the Chair.

#### **47 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.

## **48 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.

## **49 CONSIDERATION OF FIT AND PROPER – 2026/FEB/02/TAXI**

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. He 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.

He added that within the past week the Licensing department had received some additional information from the Police relating to an alleged offence that had been committed by the licensee on 24th September 2025. The alleged offence was the failure to comply with a red traffic light.

He explained that this resulted in a warning letter being sent to the keeper of the vehicle as the statutory time limits had expired.

The licensee addressed the Sub-Committee and said that they had been a taxi driver for 15 years, has a good record overall and many returning customers. They added that they had received a lot of five-star reviews on Uber and that as part of their role they take a child with SEND to and from school every day and has done this for the past three years.

They stated that their training and safeguarding records were all up to date.

They said that they were sorry for not issuing their insurance details in time and said that on this occasion it had been due to moving house.

They explained that English was not their first language and required help on occasion to understand information. They stated that they would ensure that this does not happen again.

The Chair asked the licensee if they would like to comment further on the incidents that had occurred with some customers / members of the public.

The licensee said that they believed that the two complaints made against them were racially motivated and said that from where they were at the time of one of the alleged incidents it would have been impossible to spit into the other vehicle.

They added that the incident in Combe Down was due to a lack of communication and that they were trying to be polite and helpful.

They stated that they had also not driven away whilst a customer was leaving their vehicle.

They informed the Sub-Committee that they have over 3,000 five-star ratings with Uber.

Councillor Toby Simon asked the licensee what their overall Uber rating was.

The licensee replied that it was 4.97.

Councillor Simon asked if the licensee had any other previous speeding offences prior to the offences that occurred in 2024.

The licensee replied that they had not any prior to 2024.

The Chair stated that a delay of 130 days to submit new insurance details was quite a gap and asked the licensee if they would like to make any further comment on this issue.

The licensee replied that there had been a lot of admin to do as part of the move and that when they had renewed their insurance, they had simply forgotten to send it into the Licensing department.

The Public Protection Officer (Licensing) reminded the licensee that it was a condition of their licence to submit new MOT and insurance details within the relevant timescales. He added that from the dashcam photos that have been received from the Police it showed that their vehicle was quite a distance away from the red light before proceeding to drive past it.

The licensee replied that there had been a high volume of traffic at the time and that it had been hard to observe the lights as other vehicles began to proceed across the roundabout.

The Chair asked the licensee if they wished to make a summing up statement.

The licensee stated that they had been a taxi driver for many years and were honest, helpful and polite in this role and never rude to members of the public. They said that they were sorry for their mistakes and would welcome being given another chance to continue with their job.

### 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 breaching conditions in 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 received additional information from the police as part of an Information Sharing Agreement, comprising 5 pages. This included notification that the licensee committed two speeding offences in 2024 and failed to comply with a red light in September 2025. The Licensing Team contacted the licensee regarding the red light offence and the subsequent warning letter they had received from the police. The licensee responded to confirm they were not aware that an advisory letter equated to a caution. The licensee had been provided with a copy of this additional information, in advance of the hearing.

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

The licensee did not provide the Licensing Team with updated valid insurance certificates or cover notes within seven working days of their expiry. This is one of the conditions of their Private Hire Vehicle licence. The late provision of their insurance certificate occurred on three occasions.

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.

The licensee said they had a good record, regular customers, were honest, reliable and polite. They frequently complete home to school trips and they update their training and safeguarding. They were apologetic for submitting their insurance certificates late to the Licensing Team.

The licensee had received two complaints from members of the public whilst being licensed by BANES. In relation to this, the licensee considered that the complaints were racially motivated and they had not been proven. The customer had not responded to Uber's request for further information.

In summing up, the licensee confirmed they had been a taxi driver for many years, they had not been rude to the public and apologised for any mistakes made.

Members gave weight to the licensee's high Uber rating and that they had made an honest mistake with the late submission of the insurance certificates.

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 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 in place a reminder system when insurance is to be renewed and to supply new insurance certificates to the Licensing Team within the timescales required, this could include using the Cozi app.

If there are any further issues against this background, they will be referred back to the Licensing Sub-Committee and they are at risk of losing their licence by having it revoked.

## **50 CONSIDERATION OF 'FIT AND PROPER' STATUS – 2026/FEB/01/TAXI**

### Decision & Reasons

The Licensee was not in attendance at the hearing today. The Licensee had been notified of the Licensing Sub-Committee hearing by email on 30 December 2025 and they were required to attend the hearing at 10am on 12 February 2026 at the Guildhall in Bath. The Licensing Officer's report and appendices were sent to the Licensee on 20 January 2026. This includes a warning that if they fail to attend the hearing, the matter might proceed in their absence. The Licensee did not send an acknowledgement or provide any updates to the Licensing Team following this correspondence.

On 12 February 2026, it was noted that the Licensee had not arrived at the Guildhall by 10am. The Licensing Officer made enquiries with the Licensee. The Licensing Officer emailed the Licensee at 10.18am and phoned and left a voicemail with the Licensee at 10.31am, on the email and mobile telephone number held for them on file. The Licensing Officer noted that there was a non-UK type ringtone when calling the Licensee, so there was a possibility that they were abroad. By 11am a response had not been received, and the Licensee was not in attendance.

Members had to determine whether the matter should proceed in the Licensee's absence today. In doing so, they had regard to the licensing procedure within the agenda report pack which says as follows:

*“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 had regard to the correspondence with the Licensee in relation to their attendance at the hearing. The Licensee had been given adequate notice of the Licensing Sub-Committee hearing. They had not informed the Licensing Section that they could not attend the hearing. They had also been warned that the hearing may proceed in their absence. Members determined that it was in the public interest to proceed in their absence.

Members considered 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 complaints received from members of the public and breaching a condition in 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 had regard to the Licensee’s written explanations given by them in the agenda report pack. They considered the report pack as a whole and all annexes to that report.

Members noted the Licensee has written to confirm they would be resigning from their role as a taxi driver. They have been referred to a Licensing Sub-Committee hearing as they currently hold a Combined Hackey Carriage/Private Hire Vehicle driver’s licence and the matter therefore requires determination.

Members have had regard to complaints from passengers about inappropriate comments made by the licensee to them. The first complaint related to two journeys taken by a customer in March and August 2025. The licensee submitted a statement and witness statement to the Licensing Team regarding these complaints. The second complaint related to one journey taken by a customer in May 2025 and the licensee referred to this complaint in their witness statement. A third complaint was submitted regarding the licensee's parking in April 2025.

Members noted that the customers had been made to feel uncomfortable when in the back of the car. One female customer complained that comments had been made about women's careers, domestic abuse, enquiries about their relationship status and appearance. The licensee had also made inappropriate comments about their deceased wife's appearance. The customer found their behaviour to be unpredictable and they were nervous.

Another female customer complained about the nature of the comments made by the Licensee, where they had asked about the behaviour between the customer and her friends.

Members also had regard to the witness statement submitted by the customer who travelled with the licensee on two trips. Members noted the customer had wanted to attend the hearing today but had not been able to due to work commitments.

Members weighed up the Licensee's submissions and the complaints against them and found that on the balance of probabilities, the Licensee behaved inappropriately towards the customers.

Members were concerned that the Private Hire Operator had not informed the Licensing Team of the 19 March 2025 complaint and requested that the Licensing Officer make further enquiries into a notification not being made.

Members noted that the Licensee was previously referred to a Licensing Sub Committee hearing on 9 January 2025, regarding late provision of valid insurance certificates and late notification of a road traffic accident in September 2024. A final warning was issued to the licensee.

Members note that the Licensee admitted to breaching the condition of late notification of the accident, at the previous hearing.

On the evidence before them, they are no longer satisfied that the Licensee is a fit and proper person to continue to hold the combined Hackney Carriage/Private Hire Driver's Licence. Those reasons are as follows:

1. Serious allegations were made by two customers regarding inappropriate behaviour towards them;
2. One of the customers felt uncomfortable, unsafe and concerned about the Licensee's unpredictable behaviour;
3. Taking these complaints cumulatively, Members are not confident the Licensee can act with professionalism as an ambassador for BANES;
4. They have failed to comply with their licence conditions at all times;

5. Members consider that they do not take seriously the requirement to comply with the licence conditions;
6. Members consider that they have not learnt their lesson from a previous warning.

For these reasons Members consider on balance that the Licensee is not a fit and proper person to continue to hold their licence and revoke their combined Hackney Carriage/Private Hire Driver's Licence.

The meeting ended at 11.30 am

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**