

BATH AND NORTH EAST SOMERSET

MINUTES OF LICENSING SUB-COMMITTEE MEETING

Thursday 26th February 2026

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

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

51 EMERGENCY EVACUATION PROCEDURE

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

52 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

53 DECLARATIONS OF INTEREST

There were none.

54 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

55 MINUTES OF PREVIOUS MEETING: 12TH FEBRUARY 2026

The Sub-Committee **RESOLVED** to approve the minutes of the meeting held on 12th February 2026 and they were duly signed by the Chair.

56 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.

57 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.

58 CONSIDERATION OF IMPACT OF MEDICAL DIAGNOSIS – 2026/FEB/06/TAXI

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. He explained that the licensee had voluntarily ceased driving their licensed vehicle after reporting their heart attack to Licensing whilst further medical investigations were undertaken.

He explained that he had recently received confirmation from the licensee's consultant that the licensee had passed the required exercise and functional tests with regard to their LV ejection fraction. He added though that their GP was now seeking clarification on hospital records from January that showed the licensee has mitral regurgitation.

The licensee addressed the Sub-Committee and explained that they were now taking medication to control their condition.

Councillor Toby Simon asked the licensee if they suffered from breathlessness.

The licensee replied that they did not, had carried out a fitness test on a treadmill and walked around 5,000 steps a day on average.

After a short recess the Sub-Committee reconvened and asked to view the latest report from the licensee's consultant.

The Public Protection Officer (Licensing) circulated the report to the Sub-Committee via email.

Councillor Simon summarised the report to those present and explained that it said the licensee has no significant abnormalities and has a normal valve function.

The licensee then shared with the Sub-Committee a further letter from their consultant that stated that they have no significant valve abnormalities.

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 a medical diagnosis. 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 Licensing Officer updated Members that confirmation was received yesterday from the licensee's consultant that they had passed the exercise and LV ejection fraction tests in respect of the heart attack, however a few days ago their GP reported that hospital records revealed mitral regurgitation. Members asked to see the correspondence from the consultant dated 24/02/26 and noted that it indicated "there were no significant valvular abnormalities".

Members heard from the licensee in oral representations who indicated that their consultant had given them the all clear.

Members noted that the licensee had reported their heart attack to licensing and had voluntarily ceased driving licensed vehicles whilst further medical investigations were undertaken, for which they commended him. They also noted that the consultant had given the all clear in respect of the 3 Group 2 DVLA Standards required to be met for someone who has suffered a heart attack, before they could resume driving as a licensed BANES driver, namely:

- i. After a minimum of six weeks from the start of diagnosis the licensee has passed the required exercise and functional tests; and
- ii. has an LV ejection fraction of at least 40%; and
- iii. has no other disqualifying condition.

Taking account of the medical diagnosis and recent correspondence from the licensee's consultant, members are satisfied that the Group 2 DVLA standards are met in respect of the licensee's heart attack and they are satisfied that there are no valvular abnormalities which require further scrutiny under the Group 2 standards for heart valve disease. Consequently, Members have determined that the licensee is fit and proper to hold a combined Hackney Carriage/Private Hire Driver's licence and delegate authority to Licensing to return their licence to them as soon as reasonably practicable.

59 CONSIDERATION OF FIT AND PROPER STATUS – 2026/FEB/05/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.

The licensee addressed the Sub-Committee and stated that the reason for the late submission of their MOT certificate in September 2025 was due to being on holiday. They apologised and said that they were not very computer literate and that they would normally ask their company to forward documents to Licensing.

The licensee stated that they would do their best to submit their documents on time this coming year.

Councillor Toby Simon suggested that as an MOT could be carried out a month before expiry this could be done prior to going on holiday if the licensee had similar plans for later in the year.

The licensee explained that they had no previous issues when they had been able to submit documentation in person. They thanked the Sub-Committee for listening to them today.

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 failures to comply with the conditions of their Private Hire Vehicle Licence relating to 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.

Members heard from the licensee in oral representations who indicated that they went away for the whole of September last year which is why they did not get their MOT certificate in in time. They indicated that they struggle with IT and did not used to have any issues when they could deliver certificates by hand. They said that they normally ask their operator to send paperwork in for them now. They will ensure that they get the paperwork in on time this year and they plan to retire after this. They indicated that they enjoy the job.

Members noted that compliance with the conditions relating to MOT 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 the licensee had held their licence with BANES for nearly 26 years and during that time there had been no complaints from members of the public in relation to their conduct.

On balance, Members find that the licensee is a fit and proper person to continue to hold their combined Hackney Carriage/Private Hire Driver's Licence, but they issue a warning to the licensee that:

1. They must comply with the conditions on their licences as they are an important safeguard to ensure the safety of the travelling public.
2. They must re-read and understand the conditions on their licences.
3. They must set up arrangements which will ensure that they comply with all the obligations of their licences.

If they come before the Licensing Sub-Committee again, against this background, there is a risk of revocation of their licence.

60 CONSIDERATION OF FIT AND PROPER STATUS - 2026/FEB/04/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.

The Chair stated that he was willing to accept the two additional character references that had been presented by the licensee at the beginning of the meeting.

The Public Protection Officer (Licensing) informed the Sub-Committee that 12 character references had also been circulated to them since the agenda pack had been published.

Councillor Toby Simon asked if the age and relationship status of the two complainants who had provided statements under Section 9 of the Criminal Justice Act 1967 could be shared with the Sub-Committee.

The Public Protection Officer (Licensing) replied that they were aged 18 and 21 and were friends through their work.

Councillor Simon asked if Licensing could confirm that they had an address for them on the night in question.

The Public Protection Officer (Licensing) replied that they did and that this was in Whitley, near Melksham.

Councillor Simon asked how far and how long it would take to walk from Atworth, where the complainants had halted their journey, to their address in Whitley.

The Public Protection Officer (Licensing) replied that the distance was around 1.5 miles along country lanes and would take 32 minutes to walk. He added that the complainants had stated that as this was late in the evening they had to use their mobile phones to light the way and would therefore take longer in time.

The Chair explained to the licensee that the Sub-Committee were today going to concentrate on the three separate allegations of falling asleep while driving.

The licensee addressed the Sub-Committee and said that on the evening in question in November 2025 they had started their last job from Orange Grove taxi rank around 23:00 / 23:30 and this was to take a male and female passenger to Atworth.

The licensee stated that both passengers had had a lot to drink and argued for most of the journey. They added that if they were to have fallen asleep on this journey they would have surely crashed as there is little room on the narrow lanes.

The licensee explained their work pattern to the Sub-Committee. They said that they begin their first driving shift at 1:00pm until 4.30pm, then they come home for their dinner then they go to bed and sleep. At 8:30pm they wake up and start their 2nd shift at 9:00pm; during the weekdays they finish at 12-12.30am and at weekends the latest they work is 1.30am.

The licensee stated that they have always worked in the evenings, having previously worked in a number of restaurants.

The licensee said that they deny all the allegations of falling asleep while driving and considered themselves to be physically fit. They added that they were always helpful to their passengers and would not put them or themselves at risk as they have a young family to look after.

The licensee suggested that the allegations could be made through anger towards them.

Councillor Toby Simon asked the licensee if they had read the statements that had been provided by the two female complainants from November 2025.

The licensee replied that they had and reiterated that it was their recollection that on this journey it was a male and female passenger and that their destination was Atworth. They added that this journey was completed at around 23:30.

The Public Protection Officer (Licensing) asked the licensee if they could explain the photograph in the agenda pack of their mobile phone that shows that the time is 00:37. They informed the Sub-Committee that the photograph was submitted by the complainants having updated the apps on the licensee's phone at the licensee's request.

The licensee said that they completely deny that this journey had taken place and suggested that CCTV footage should be looked at as evidence.

Councillor Simon asked the licensee to give further comment on the incident that is alleged to have taken place in March 2024.

The licensee stated that on arrival at their destination the customer had refused to pay for their journey.

Councillor Simon asked if they had reported this allegation to anyone at the time.

The licensee replied that they had done so.

Councillor Simon explained that there was no evidence of this that the Sub-Committee could refer to. He asked the licensee if they had felt sleepy on this journey.

The licensee replied that they had not and reiterated their work pattern and that they have a young family at home. They added that they have never been in trouble with the Police.

Councillor Simon asked the licensee if they recalled the journey from March 2025 from the city centre to Fairfield Park.

The licensee said that if they had been sleepy on this journey they would have surely hit parked vehicles as they are parked on either side of the road. They added that their vehicle had been checked after this complaint and that their vehicle plate had been moved as requested.

The licensee informed the Sub-Committee that they have been the victim of racist abuse whilst working. They also stated that many customers welcome them to be their driver.

Councillor Ann Morgan asked the licensee if they were paid for the journey in question in November 2025.

The licensee replied that they had been. They explained again that if they had been asleep at any point then they would have crashed as the roads are narrow, with nowhere to go. The licensee added that having returned to Bath they carried out 3 or 4 more jobs before going home.

The Chair asked the licensee if they could explain how three different complaints had been made against them for falling asleep whilst driving.

The licensee replied that some customers can know how to make trouble for drivers for when they do not want to pay or something similar. They stated again that the allegations against them were false.

The Chair asked the licensee if they suffered from Sleep Apnoea.

The licensee replied that they did not.

The Chair asked for confirmation from the licensee that for two of the allegations they had swerved their vehicle whilst driving to avoid hitting a badger.

The licensee replied that this was true.

The Public Protection Officer (Licensing) said that at the previous Sub-Committee the licensee had stated that they ask for a deposit before a long journey and asked why they had not done so on this occasion.

The licensee could not provide an explanation.

The Public Protection Officer (Licensing) asked the licensee to confirm how many further journeys they had made at the time of the allegation in November 2025 as in their written statement they had said it was their last journey and in evidence today they had said that they carried out 3 or 4 more journeys.

The licensee replied that having returned to Bath they carried out 3, maybe 4 further journeys. They explained that they had asked somebody to help write their statement which may have led to some confusion.

The licensee made a summing up statement. They stated that they have never fallen asleep whilst driving and would normally finish working before the clubs close. They explained to the Sub-Committee that they provided the only income for 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 the light of complaints against them. 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 had regard to additional information received in advance of the hearing, which comprised of 12 separate character references in support of the licensee and 5 emails of positive feedback for the licensee between 2017 and 2025. Members confirmed they had received and read this additional material.

On the day of the hearing the licensee asked Members to consider three additional pieces of information comprising an email from the licensee's spouse, which was already contained in the agenda report pack, as well as 2 further character references. Members determined in the exercise of their discretion to admit this additional information as it would not cause any prejudice to the proceedings and would assist in the determination of the issues before them.

The licensee was accompanied by their spouse and child during the hearing. Members had not received prior notice of their attendance, but they were content for them to attend in support of the licensee.

Members indicated to the licensee that they wished to focus on the three allegations of them falling asleep whilst carrying out journeys as a licensed taxi driver as these were the most serious allegations.

Members heard from the licensee in oral representations who robustly denied falling asleep whilst carrying out these 3 journeys. They explained to members that they had been a night worker for 30 years and are used to working at night. They explained in writing and orally that they start their first driving shift at 1:00pm until 4.30pm, then they come home for their dinner then they go to bed and sleep. At 8:30pm they wake up and start their 2nd shift at 9:00pm; during the weekdays they finish at 12-12.30am and at weekends the latest they work is 1.30am.

The licensee indicated that they consider these working hours to be very manageable, and they always have enough sleep. They explained to members that they would not drive whilst tired as not only would this put themselves and passengers at risk, but they would not want anything to happen to them for the sake of their spouse and young children; the licensee said this was not worth it for the sake of a £4 or £8 taxi fare. The licensee indicated that he had never been in trouble with the police and was of good character.

When Members questioned the licensee in relation to the inconsistencies in their written accounts given shortly after each incident when compared to their oral accounts today, they attributed this to the person who had written the accounts for them not taking things down correctly.

In relation to the March 2024 allegation, the licensee explained in oral representations that the passengers had refused to pay the fare, and they think this is the reason why they made the complaint against them. The licensee made no mention of refusal to pay the fare in their written account at p.129 of the report pack. In that instance they accepted in writing swerving into the road but indicated this was due to the presence of a badger.

In oral submissions to Members in relation to the March 2025 allegation, the licensee indicated that if they were falling asleep on that route, they would have crashed due to the presence of vehicles parked on both sides of the road and the busy traffic on the route, amongst other things. In their written account shortly after the incident, the licensee described their passengers as drunk females whereas the complaint was made by a male who had a female companion with them.

When questioned by Members in relation to the November 2025 allegation, they did not agree that they had carried out a journey involving two female passengers as alleged. The licensee's account was that they carried out a journey at the relevant time involving a man and a woman in their 60s. The complainants who had provided statements under s.9 Criminal Justice Act 1967 were young women. In written representations the licensee accepted that they had handed over their phone to a female passenger during this journey to update the apps (p.122 agenda reports

pack) whereas in oral representations before Members today they indicated that they handed their phone over to a lady during a daytime journey.

The licensee could not account for the fact that one of the complainants in relation to the November 2025 allegation, both of which were female, had taken a photograph of the licensee's phone updating the apps at 00:37 hours. The licensee disputed that the photograph taken by the complainant showing their vehicle and registration plate was taken during the nighttime, although it is evidently taken during nighttime hours.

In written representations the licensee indicated that this was the only job that they had undertaken after 11pm on the day in question whereas in oral representations before members, the licensee indicated that they undertook 3 or 4 more jobs after the one in question. The licensee asked members to consider why the complainants would cough if he was falling asleep and why they would not shout to wake them up if that was really the case.

On questioning by Members, regarding the similarity of the account given by the licensee for the first and last allegation, notably swerving to avoid a badger, the licensee explained that that was what happened so there would be a similar account.

The licensee submitted to Members that the three separate allegations regarding them falling asleep whilst driving are false and that passengers do this sort of thing on some occasions to make trouble for the driver.

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 Licensing Sub Committee needs to be mindful of the Council's Policy and the Statutory taxi and private hire vehicle standards which provide 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?"*. This is a question to be assessed on the balance of probabilities.

Members carefully considered the 14 character references which describe the licensee as kind, courteous, professional; several of which indicated that they had never found the licensee to be tired or sleepy when carrying out the journeys. Members noted that between 2017 and April 2025 there have been 5 instances of positive feedback for the licensee for matters such as returning lost wallets and telephones.

Members had regard to the fact that the Licensing Sub Committee in 2025 had considered the first two complaints regarding the licensee falling asleep whilst driving, however, they were satisfied that they could and should reconsider those matters in the light of the most recent allegation as they are relevant to the determination of the licensee's fit and proper status.

Members noted that there were three separate allegations against the licensee from apparently unrelated complainants going to different destinations, all alleging that the licensee had been falling asleep whilst carrying out journeys as a licensed driver. All

three journeys took place very late in the evening or in the early hours of the morning. The first complaint was received on 10th March 2024, the second on 4th March 2025 and the most recent was on 30th November 2025. Members noted that in relation to the latest allegation, the complainants had provided section 9 witness statements and corroborative photographic evidence.

Members note the difficulty for night workers of managing fatigue, but it is the licensee's responsibility to ensure that fatigue management is effective. Members heard evidence from the licensee regarding their fatigue management but in the light of all of the evidence before them, they were not satisfied that this was effective.

Whilst members do not doubt that the licensee can be kind and courteous as a licensed driver and has been commended for returning lost wallets and phones, when taking their written and oral evidence together, they do not find their evidence to be credible.

In fact, they found it to be muddled and inconsistent with examples given above, and when weighing the evidence in the balance they prefer the evidence of the complainants.

As such, on the balance of probabilities they are no longer satisfied that the licensee is fit and proper to hold a combined Hackney Carriage/Private Hire driver's licence. Due to their concerns that the licensee could fall asleep at the wheel during a journey as a licensed driver they revoke their licence immediately under section 61(2B) in the interests of public safety.

The meeting ended at 3.00 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services