



Notice of Meeting of

REGULATORY SUB-COMMITTEE - NORTH

Monday, 5 June 2023 at 10.00 am

**Sedgemoor Room, Bridgwater House, King
Square, Bridgwater TA6 3AR**

To: The members of the Regulatory Sub-Committee

Chair: Councillor Simon Carswell

Councillor Hugh Davies Councillor Marcus Kravis

For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services democraticserviceteam@somerset.gov.uk.

All members of the public are welcome to attend our meetings and ask questions or make a statement **by giving advance notice** in writing or by e-mail to the Monitoring Officer at email: democraticserviceteam@somerset.gov.uk by **5pm on Tuesday, 30 May 2023**.

This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

The meeting will be webcast and an audio recording made.

Issued by Scott Wooldridge (the Proper Officer) on Wednesday, 24 May 2023

AGENDA

Regulatory Sub-Committee - 10.00 am Monday, 5 June 2023

Public Guidance Notes contained in Agenda Annexe 5 - 6

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- 1 Apologies for Absence**
- 2 Declarations of Interest (Pages 9 - 10)**
- 3 Procedure to be followed when considering Licensing of Hackney Carriage Private Hire Drivers, Vehicles, Operators and related enforcement (Pages 11 - 14)**
- 4 Consideration of a Private Hire Operator Licence (Pages 15 - 26)**

The Sub-Committee is asked to determine the status of a Private Hire Operators Licence for Fairview Minibuses and Taxis, based in Highbridge, following the company being convicted in Bath Magistrates Court for taxi related offences.

Guidance notes for the meeting

Council Public Meetings

The legislation that governs Council meetings requires that committee meetings are held face-to-face. The requirement is for members of the committee and key supporting officers (report authors and statutory officers) to attend in person, along with some provision for any public speakers. Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at

democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

They can also be accessed via the council's website on [Committee structure - Modern Council \(somerset.gov.uk\)](#)

Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: [Code of Conduct](#)

Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting.

Public Question Time

If you wish to speak or ask a question about any matter on the Committee's agenda please contact Democratic Services by 5pm providing 3 clear working days before the meeting. (for example, for a meeting being held on a Wednesday, the deadline will be 5pm on the Thursday prior to the meeting) Email

democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

Members of public wishing to speak or ask a question will need to attend in person or if unable can submit their question or statement in writing for an officer to read out, or alternatively can attend the meeting online.

A 20-minute time slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been agreed. Each speaker will have 3 minutes to address the committee.

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish. If an item on the agenda is contentious, with many people wishing to attend the meeting, a representative should be nominated to present the views of a group.

Meeting Etiquette for participants

Only speak when invited to do so by the Chair.

Mute your microphone when you are not talking.

Switch off video if you are not speaking.

Speak clearly (if you are not using video then please state your name)

If you're referring to a specific page, mention the page number.

There is a facility in Microsoft Teams under the ellipsis button called turn on live captions which provides subtitles on the screen.

Exclusion of Press & Public

If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed.

Recording of meetings

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public - providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings. No filming or recording may take place when the press and public are excluded for that part of the meeting.

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Somerset
Council

UNITARY COUNCILLOR	TOWN AND/OR PARISH COUNCIL
Steve Ashton	Crewkerne Town Council / Hinton St George Parish Council
Suria Aujla	Bridgwater Town Council
Jason Baker	Chard Town Council
Lee Baker	Cheddon Fitzpaine Parish Council / Taunton Shadow Town Council
Marcus Barr	Wellington Town Council
Mike Best	Crewkerne Town Council
Alan Bradford	North Petherton Town Council
Theo Butt Philip	Wells City Council
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Simon Coles	Taunton Shadow Town Council
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Dixie Darch	Taunton Shadow Town Council
Tom Deakin	Taunton Shadow Town Council
Caroline Ellis	Taunton Shadow Town Council
Habib Farbahi	Taunton Shadow Town Council
Ben Ferguson	Axbridge Town Council
Bob Filmer	Brent Knoll Parish Council
David Fothergill	Taunton Shadow Town Council
Andrew Govier	Wellington Town Council
Pauline Ham	Axbridge Town Council
Philip Ham	Coleford Parish Council
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Edric Hobbs	Shepton Mallet Town Council
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Andy Kendall	Yeovil Town Council
Jenny Kenton	Chard Town Council
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Marcus Kravis	Minehead Town Council

Tony Lock	Yeovil Town Council
Martin Lovell	Shepton Mallet Town Council
Mike Murphy	Burnham Highbridge Town Council
Graham Oakes	Yeovil Town Council / Yeovil Without Parish Council
Sue Osborne	Ilminster Town Council
Kathy Pearce	Bridgwater Town Council
Emily Pearlstone	Ilchester Parish Council
Derek Perry	Taunton Shadow Town Council
Evie Potts-Jones	Yeovil Town Council
Hazel Prior-Sankey	Taunton Shadow Town Council
Wes Read	Yeovil Town Council
Leigh Redman	Bridgwater Town Council
Mike Rigby	Bishop's Lydeard and Cothelstone Parish Council
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Dean Ruddie	Somerton Town Council
Peter Seib	Brympton Parish Council / Chilthorne Domer Parish Council
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Brian Smedley	Bridgwater Town Council
Fran Smith	Taunton Shadow Town Council
Federica Smith-Roberts	Taunton Shadow Town Council
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Andy Soughton	Yeovil Town Council
Richard Wilkins	Curry Rivel Parish Council
Dave Woan	Yeovil Town Council
Ros Wyke	Westbury-sub-Mendip Parish Council

Their memberships of Parish or Town Councils will be taken as being declared by these Councillors to be Personal Interests in the business of the Somerset Council meeting and need not be declared verbally.

Any Unitary Councillor who has a Prejudicial Interest by virtue of their Membership of a Parish or Town Council, or who has a special involvement by virtue of being a Parish or Town Councillor, in a matter to be discussed by the Somerset Council will be expected to declare that prejudicial interest personally or bring to the attention of the Somerset Council meeting their special involvement.

H CLARKE, Unitary Solicitor, April 2023

Procedure to be followed when considering Licensing of Hackney Carriage Private Hire Drivers, Vehicles, Operators and related enforcement

1. The Chair will open the Hearing and introduce the Sub-Committee and Officers. They will then ask each Party to introduce themselves.
2. The Chair will confirm that if a Party is not present their representation/application will be read and taken in to account in reaching the decision.
3. The Chair will address any registerable interest arising under the Code of Conduct.
4. The Chair will consider any submitted requests from a Party for permission for another person to appear at the Hearing. If necessary, the Sub-Committee will retire to deliberate before making a decision.
5. The Chair will confirm that the Hearing will take the form of a round-the-table discussion led by the Sub-Committee in accordance with this procedure. If all Parties present confirm that they have seen and understood the procedure to be followed at the Hearing and agree that they are ready to proceed then the Hearing shall commence.
6. The Chair will remind everyone that the purpose of the Hearing should be borne in mind at all times i.e.

To enable those with a right to appear, to amplify their written application or representation. It is also to assist the Sub-Committee to gather evidence and understand the relevant issues.

7. The Chair will confirm what advance papers have been received and that these have been read.
8. The Chair will make clear that all Parties should only address the Sub-Committee in relation to matters they have raised in their application/representation. Any Party wishing to submit late evidence at the Hearing will only be able to do so with the consent of all Parties present and with the consent of the Sub-Committee.
9. The Chair will confirm whether all Parties have seen and understood the procedure to be followed and are ready to proceed with the Hearing.

10. The Chair will ask the Applicant whether they wish to make any amendments to their application with a view to addressing any issues raised by representations.

11. Order of Oral Presentation

- (a) The Licensing Officer will present their report outlining the details of the application/notice/representations received.
- (b) Any Party may question the Licensing Officer.
- (c) The Members may question the Licensing Officer.
- (d) Responsible Authorities will present their case and call any witnesses.
- (e) Any Party may question the Responsible Authorities and any witnesses.
- (f) Members may question the Responsible Authorities and any witnesses.
- (g) Other Person(s) will present their case in turn and call any witnesses.
- (h) Any Party may question the Other Person(s).
- (i) Members may question the Other Person(s).
- (j) The Applicant/Licence Holder will present their case and call any witnesses.
- (k) Any Party may question the Applicant/Licence Holder and any witnesses.
- (l) Members may question the Applicant/Licence Holder and any witnesses.

The Chair at their discretion, may change the order of oral presentation at any stage, if it is considered to be beneficial to the flow of the hearing.

12. Before moving on to the next Party, the Chair will check there are no further points the current Party wishes to make or any further questions that need to be put to that Party.

13. The Licensing Officer may present any further information such as proposed non-mandatory Conditions deriving from the Operating Schedule or suggested by any Party. However, it will remain for the Sub-Committee to determine what conditions will apply, if any, should the application be successful.

14. Each Party will be invited to make closing submissions in the following order –

- a. Responsible Authorities
- b. Other Persons
- c. The Applicant
- d. Licensing Officer

15. The Chair will then close the Hearing and the Sub-Committee will retire to determine the matter. The Legal Advisor will retire with the Sub-Committee to answer any points of law.

16. The Sub-Committee will come to a decision which will be sent to the Applicant and all other relevant Parties together with the details of the right to appeal.

NOTE:

In producing this procedure the following has been considered: -

The relevant legislation and statutory guidance together with local policies and procedures.

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Consideration of a Private Hire Operator Licence

Executive Member(s): Cllr Federica Smith-Roberts

Local Member(s) and Division: All

Lead Officer: Alan Weldon, Licensing & Fraud Manager

Author: Simon Guest

Contact Details: licensing.sedgemoor@somerset.gov.uk

Summary / Background

1. The Sub-Committee is required to determine the status of a Private Hire Operators Licence for Fairview Minibuses and Taxis, based in Highbridge, following the company being convicted in Bath Magistrates Court for taxi related offences.
2. The offences relate to the company allowing an unlicensed driver to conduct a booking and use a currently licenced vehicle that was not displaying a plate. This came to light following a standard police traffic stop at Bristol Airport in October 2022.

Recommendations

3. The Licensing Sub-Committee must resolve to do one of the following:
 - a. Consider that the prosecution by the police was sufficient and take no further action.
 - b. Consider if further action is required in relation to the operators licence, for example, a suspension or revocation of the licence.

Reasons for recommendations

4. Allowing an unlicensed driver to conduct bookings in respect of fare paying passengers has public safety implications, which include both they and the passenger would not be insured in the case of an accident.
5. The Sub-Committee must consider whether these actions make the licence holder “fit and proper” to hold the licence.
6. The police agreed to take the matter to court on our behalf, with a sub-committee reviewing the status of the operator licence.

Other options considered

7. Not applicable.

Links to Council Vision, Business Plan and Medium-Term Financial Strategy

8. The Council must carry out its functions in accordance with the Taxi Licensing Policy with a view to promoting the importance of public safety and this remains the prime consideration of this report.

Financial and Risk Implications

9. There are no financial implications.

Legal Implications

10. In reaching a decision the Panel must consider whether the breaches of the Council’s Taxi Policy by Fairview minibuses and taxis compromised the need to ensure public safety and therefore casts doubt on them to be considered a fit and proper person to hold a hackney carriage operator’s licence. If so the Panel must determine what sanction, if any, is appropriate given the breaches identified and the criminal conviction already received.
11. This licensing authority takes public safety very seriously in respect of taxi licensing.

HR Implications

12. None.

Other Implications:

13. None.

Equalities Implications

14. None.

Community Safety Implications

15. Public Safety has already been referred to in points 4 and 8 of this report.

Climate Change and Sustainability Implications

16. None.

Health and Safety Implications

17. None.

Health and Wellbeing Implications

18. None.

Social Value

19. As the contents of this report do not relate to a procurement process, there are no social value implications.

Scrutiny comments / recommendations:

20. None.

Background

21. In October 2022, we were made aware of an incident at Bristol Airport, involving one of our licenced vehicles, seemingly being driven by an unlicenced driver. A copy of the witness statement from Simon Guest confirming this and a summary of events throughout is attached as **Appendix A**.
22. Attached as **Appendix B**, is a witness statement from Driver A, taken by PC Patrick Quinton, giving her version of events. Attached as **Appendix C** is a witness statement from Patrick Quinton giving details of the outcome of the case in Bath Magistrates Court. Fairview have held a Private Hire Operator Licence with us since at least as far back as our current computer system goes (2011). We have no record of any formal complaints against their drivers or the company. **Appendix D** is an extract from our current taxi policy whereby all convictions for all licence holders, must be declared within 5 working days. This has not been done so is therefore a breach of policy. It is also important to note that if a licence were to be suspended or revoked, none of the existing Private Hire vehicles licenced to Fairview would be able to operate for the company for the relevant period. This includes conducting school transport contracts.

Background Papers

23. Councils Guidance and statement of policy for licensing of Hackney Carriage and Private Hire Vehicles, Drivers and Operators.

Appendices

- A. Witness Statement of Simon Guest.
- B. Witness Statement of Driver A.
- C. Witness Statement.
- D. Extract from current taxi policy regarding declaration of convictions.

WITNESS STATEMENT

(Criminal Procedure Rules r27.1(1); Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)

Statement of Simon Guest

Age if under 18 "over 18" (if over 18 insert "over 18")

Occupation Licensing Officer

This statement (consisting of 1 page (s) each signed by me) is true to the best of my knowledge and belief, and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false, or do not believe to be true.



Signature

Date 17th May 2023

My name is Simon Guest and I am a Licensing Officer employed by Sedgemoor District Council. On attending work on 24th October 2022, I took a phone call from PC Patrick Quinton of Avon and Somerset Constabulary, that on the 21st October, he had stopped one of our licenced private hire vehicles at a routine stop at Bristol Airport. The vehicle was found not to be displaying Private Hire Plates, and the driver at the time, [REDACTED], appeared to be unlicenced. He would follow up with more details in the coming days.

I have checked our computer records and can find no trace of a [REDACTED] licenced with us as either a Hackney Carriage or Private Hire Driver. I have worked in the service for over 8 years with taxis and private hire licences as my primary task, and I do not recognise the name either currently or from the past. Our computer records go back to 2005.

On 26th October 2022, I took a call from [REDACTED] when she telephoned the council offices asking to speak to me in person, to which she gave a basic overview of a situation that had arisen a few days before involving the police at Bristol Airport. I did ask how and where she got my name from, and she indicated she was given my name by the staff at Fairview Minibuses.

She confirmed that she lived in Wedmore, and had been driving for Fairview for around 4 to 6 weeks. For the last month, she had been doing a school run every day, both morning and afternoon in this vehicle. She had done 3 or 4 other jobs in other vehicles, one of which was to take a passenger to Heathrow Airport on 23rd September 2022.

She said that she did not know anyone personally at Fairview, but enquired about a job via a friend who drove for them in the past. She stated that she got an email from Fairview on 16th September 2022 that she could now drive for them, and a subsequent text message on 19th September 2022 that her DBS had now been sorted. She only ever provided them her driving licence as proof of identification. This is insufficient personal information to

complete a DBS application, and at the time we spoke, she had not received a DBS result certificate in the post.

I asked what contact she had made with the then Somerset County Council school transport team, as they administer drivers for school runs, and passenger escorts. She knew nothing of this. I made subsequent contact with the School Transport team and they had never heard of her. She confirmed that Dave and Gemma were her points of contact at Fairview.

I went on to explain that based on what she had told me, every journey she had undertaken for Fairview, meant that both her and her passenger, including the child on the school run, were not insured in the case of accident. She was horrified and said she would be returning the vehicle keys to Fairview tomorrow and never driving for them again.

I can confirm that a silver Renault registration [REDACTED] has been licenced as a Private Hire Vehicle (indicator number P 28) continuously without breaks by Sedgemoor District Council since March 2019 to Fairview Minibuses. Since this date, this vehicle has never held "prestige" status or any exemptions, so in line with our policy and national taxi and private hire legislation, would be required to display a roof sign, and identifier licence plates on both the exterior front and rear of the vehicle at all times, whether on or off duty. It would also be required to display a smaller interior licence plate attached to the inside of the front windscreen, to be visible to persons outside the vehicle.

In January 2023, our taxi policy changed in preparation for the new unitary council, and the requirement to display a roof sign was removed.

On 15th May 2023, I received confirmation from PC Patrick Quinton that the matter had been heard at Bath magistrates Court on 24th April 2023. Fairview pleaded guilty and received a £512 fine and £294 costs awarded.

At no time between October 2022, and the time of writing this statement, have I received contact from Fairview Minibuses regarding this matter, or declaration of the conviction in the magistrates court.

I make this statement from a combination of memory, notes made at the time, and our internal IT computer records.



Signature

Signature witnessed by

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN

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Statement of

[REDACTED]

Age if under 18 Over 18 (if over insert 'over 18')

Occupation : Trainer Assessor

This statement (consisting of 2 page(s), each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature [REDACTED] (digitally signed)

Date Wednesday, 11 January 2023

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I first made contact with Fairview Taxis on the 12th of September 2022 after being recommended to them by one of my friends who has driven for them for several years. I visited them at their unit in Highbridge, we all got on well. I wanted to earn some money by driving for them. I gave Dave KING my driving licence and was told that a DBS check would need to be completed.

On 13th of September, I received an email from U Check (DBS check) to confirm they had received the details I had submitted, the rest to be completed by Fairview Taxis.

At no point have Fairview Taxis ever told me that I needed a Private Hire Driver's licence or asked to see one.

On the morning of 15th September, Gemma KING collected me from home and took me on the school run that I would be doing. This was from Rooksbridge to Hugh Sexey School in the morning and reverse at the end of school. After collecting the 9-year-old boy and taking him to school, the car was then left with me. It was a Vauxhall Insignia but I do not recall the registration number, and I was told I was allowed to drive it as it had a sign in the back window saying "SSDC School/Hospital transport".

My payslip was also emailed to me on a Friday, and I was paid by bank transfer on the following Monday. My bank statement shows the payment was made by Fairview Min Ltd

Fairview Taxis asked me to do airport runs for their customers. I did my first airport run to Heathrow on the 23rd of September, this was using the 8-seater Renault Trafic [REDACTED]. I then did several other Heathrow and Bristol transfers using 7 and 8 seaters and two in the car. I also did a hospital run to Weston General and back in the car. Mostly, the fares were paid direct to Fairview by the customer, but for these journey's the passengers paid the fare to me :

Weston Hospital run

Burnahm to Bristol Airport return

Rose Cottage to Bristol Airport

Signature: P.Quinton

Signature witnessed by:

Continuation of Statement of: Patrick QUINTON

We are to Sheppy return
Journeys on the 21st October.
For those jobs, I handed the cash in at the Fairview office.

I kept the Vauxhall Insignia at home and collected and returned the other vehicles to Fairview at their unit in Highbridge. I was told I was insured, and none of the vehicles I used had taxi plates on them.

Gemma KING emailed to me on a Friday with the following weeks work, from fairviewminibuses@yahoo.com. I exhibit the emails as follows :

16th September as HG/01
23rd September as HG/02
30th September as HG/03
7th October as HG/04
14th October as HG/05

On the 21st October 2022 I was doing another airport transfer with passengers going to Bristol Airport. I was in [REDACTED] which Fairview Taxis had given me to complete the job. I was unaware it was a Private Hire Vehicle and there were no markings on the vehicle to indicate it was a licensed vehicle to me. I was also unaware that I needed a Private Hire Driver's licence to be able to use it.

I was stopped at the airport by the police which is when I became aware that I could not complete the Hire and Reward work given to me by Fairview Taxis without a Private Hire Drivers licence. I have never held such a licence.

I was completely shocked as I am an honest person and have not driven for Fairview Taxis since.

Signature: P.Quinton

Signature witnessed by:

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

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Statement of PC 4645 Patrick QUINTON

Age if under 18 Over 18 (if over insert 'over 18')

Occupation : Police Constable

This statement (consisting of 2 page(s), each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature P.Quinton

Date Tuesday, 16 May 2023

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am Police Constable 4645 Patrick QUINTON of the Avon and Somerset Constabulary, currently based at The Bridewell police station, Bristol.

I am the police Taxi Compliance Officer in a role fully funded by Bristol City Council and South Gloucestershire Council. My role is to ensure public safety by enforcing and checking compliance with the relevant legislation, particularly the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and with the byelaws and licence conditions imposed by the Councils as the Local Licensing Authority. I also enforce the provisions of road traffic law.

Following an occurrence at Bristol Airport on 21st October 2022 and my subsequent investigation, Fairview Minibuses Ltd were charged with the following offences :

1 Proprietor of PHV employing unlicensed driver

Contrary to sections 46(1)(c) and (2) and 76 of the Local Government (Miscellaneous Provisions) Act 1976.

2 Operate a vehicle as a PHV using an unlicensed driver

Signature: P.Quinton

Signature witnessed by:

Continuation of Statement of: Patrick QUINTON

Contrary to section 46(1)(e)(ii) and (2) and 76 of the Local Government (Miscellaneous Provisions) Act 1976

3 Permit the use of a PHV without displaying plate

Contrary to sections 48(6) and 76 of the Local Government (Miscellaneous Provisions) Act 1976

The matter was heard at Bath Magistrates Court on the 24th April 2023, and following a Guilty By Post Plea, the Magistrates sentenced Fairview Minibuses Ltd to a fine for all three offences of £512 and costs of £294.

Statement ends : P.Quinton.

Signature: P.Quinton

Signature witnessed by:

Declaration of criminal and motoring convictions

For all licence holders, all current, and subsequent criminal and motoring convictions, cautions and fixed penalties must be declared to the Licensing Authority. This includes declaring any pending convictions or matters under investigation, or that are the subject of any appeal. Any subsequent convictions, cautions and fixed penalties obtained by a licence holder must be declared within 5 working days of the date of conviction. Failure to do so is a breach of policy and conditions. In the case of Private Hire Operators, if the business is a limited company or partnership, this extends to offences against any director or partner.

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