

Minutes of a Meeting of the Regulatory Sub-Committee held in the Committee Room, Council Offices, Cannards Grave Road, Shepton Mallet BA4 5BT, on Friday, 8 March 2024 at 11.00 am and reconvened on 25 March 2024.

Present:

Cllr Simon Carswell (Chair)

Cllr Hugh Davies

Cllr Tony Robbins

10 Appointment of Chair for the Sub-Committee - Agenda Item 1

The Sub-Committee appointed Councillor Simon Carswell as the Chair. Cllr Carswell welcomed everyone to the meeting.

11 Apologies for Absence - Agenda Item 2

There were none.

12 Declarations of Interest - Agenda Item 3

There were none.

13 Exclusion of the Press and Public - Agenda Item 4

It was proposed by Cllr Hugh Davies and seconded by Cllr Marcus Kravis to exclude the press and public from the meeting.

RESOLVED

To exclude the press and public from the meeting during item 5 on the grounds that exempt information (as defined in Schedule 12A Local Government Act 1972) (as amended) of the following description was likely to be disclosed:

Category 1 Information relating to any individual.

Category 2 Information which was likely to reveal the identity of an individual.

14 Consideration of a Hackney Carriage/Private Hire Driver's Licence - Agenda Item 5

The meeting commenced on 8 March 2024.

The Licensing Officer read out a statement sent by the driver. In it, he said that he would not be attending the hearing as at the time of the incident, he was not working and was not charged by the police for any offence.

The Chair asked the Licensing Officer if it had been made clear to the driver that he risked losing his licence if he didn't attend the hearing to defend his actions. This was confirmed by the Officer. After a discussion, the Sub-Committee decided to give the driver another opportunity to attend the hearing. Meanwhile, his licence, which he had surrendered voluntarily, would remain with the Licensing Officer until such time as the hearing had occurred. The meeting was therefore adjourned to enable the Licensing Officer to arrange a new date with the driver.

The meeting reconvened on 25 March 2024.

The Sub-Committee followed the procedure set out in the agenda annex.

The Chair invited the Licensing and Business Support Officer to present the Report. There were no questions from the Sub-Committee or the driver.

The driver was invited to speak and present his case to the Sub-Committee. He responded to questions from the Sub-Committee.

All parties were asked if they wished to sum up or add anything further. The driver had nothing further to add.

The Licensing Officer said that to determine whether a person was deemed "fit and proper" to continue to hold a Hackney Carriage/Private Hire Vehicle Drivers Licence, Members should ask themselves whether:

"Without any 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?"

He continued that the options available to the Sub Committee were as follows:

- Revoke the licence
- Suspend the licence
- Take no action

Finally, the Officer went on to explain that all relevant parties had the right of appeal to the Magistrates Court and that this must be done within 21 days of being notified in writing of the decision.

All parties confirmed they were happy with the procedure the meeting had followed.

The Legal Advisor explained that a Decision Notice would be sent to the driver within 5 working days of the hearing.

All parties were then asked to leave the room to enable the Sub Committee to commence its deliberations. The Legal Advisor remained in the room in order to assist the Sub-Committee.

Upon reconvening, the Chair announced the decision of the Sub-Committee. This was given verbally to the driver.

RESOLVED

That the driver was not considered fit and proper to hold a Dual Use Drivers Licence and that the licence was revoked.

15 Minutes of the Sub-Committee - Agenda Item 6

It was proposed by Councillor Hugh Davies and seconded by Councillor Tony Robbins to authorise the Chair of the meeting to agree the accuracy and sign the minutes as a correct record following circulation to the members of the Sub-Committee. All agreed.

(The meeting ended at Time Not Specified)

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CHAIR