



**Waverley Borough Council**  
Council Offices, The Burys,  
Godalming, Surrey  
GU7 1HR  
[www.waverley.gov.uk](http://www.waverley.gov.uk)

To: All Members and substitute members of  
the LICENSING (GENERAL  
PURPOSES) SUB-COMMITTEE  
(Other Members for Information)

When calling please ask for:

Maureen Brown, Democratic Services Officer  
**Policy and Governance**

E-mail: [maureen.brown@waverley.gov.uk](mailto:maureen.brown@waverley.gov.uk)

Direct line: 01483 523225

Calls may be recorded for training or monitoring

Date: 21 August 2015

**Membership of the Licensing (General Purposes) Sub-Committee**

Cllr Simon Inchbald (Chairman)

Cllr Anna James

Cllr Patricia Ellis (Vice Chairman)

Cllr Bob Upton

Cllr Peter Isherwood

**Substitutes**

Cllr Maurice Byham

Cllr Carole King

Dear Councillors

A meeting of the LICENSING (GENERAL PURPOSES) SUB-COMMITTEE will be held as follows:

DATE: MONDAY, 7 SEPTEMBER 2015

TIME: 10.00 AM

PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS,  
GODALMING

The Agenda for the meeting is set out below.

Yours sincerely

ROBIN TAYLOR  
Head of Policy and Governance

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## **NOTE FOR MEMBERS**

Members are reminded that contact officers are shown at the end of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

## **AGENDA**

1. **MINUTES**

To confirm the Minutes of the Meeting held on 23 July 2015 (to be laid on the table half an hour before the meeting).

2. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive apologies for absence and to report any substitutions

3. **DECLARATIONS OF INTEREST**

To receive from members declarations of interest in relation to any items included on the agenda for this meeting, in accordance with the Waverley Code of Local Government Conduct.

4. **APPLICATION FOR A HACKNEY CARRIAGE VEHICLE LICENCE  
(REQUESTING EXEMPTION FROM VEHICLE AGE POLICY)** (Pages 5 - 16)

This report enables the Sub-Committee to consider a request to consider granting a licence for a vehicle as a Hackney Carriage vehicle which is more than four years old, with the current Council policy requiring a vehicle being first licensed to be under four years old. There are no environmental or resource implications arising as a result of this report.

**Recommendation**

**It is recommended that the Sub-Committee gives consideration to the application for a hackney carriage vehicle licence which requests exemption from the age policy for the particular vehicle sought to be licensed as submitted by Mr Siekaj.**

**If the Committee were minded to licence the vehicle a condition regarding the maximum permitted number of passengers when conveying a passenger in a wheelchair should be considered. When previously licensed the following condition was added:**

**When conveying a passenger in a wheelchair, this vehicle is licensed to carry up to a maximum of 4 (four) passengers, including the wheelchair passenger, the front passenger seat and the two off side rear passenger seats (one rear and one front facing). At all other times the vehicle is licensed to carry a maximum of 7 (seven) passengers.**

5. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman:-

Recommendation

That pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in paragraph 1 of the revised Part 1 of Schedule 12A to the Act in respect of the following item:

Information relating to any individual (paragraph 1)

6. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE (REQUESTING EXEMPTION FROM THE DVLA GROUP 2 MEDICAL REQUIREMENT) (Pages 17 - 38)

To consider the attached [Exempt] report.

7. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE (REQUESTING EXEMPTION FROM THE DVLA GROUP 2 MEDICAL REQUIREMENT) (Pages 39 - 64)

To consider the attached [Exempt] Report.

8. REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE (Pages 65 - 76)

To consider the attached [Exempt] Report.

9. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (Pages 77 - 92)

To consider the attached [Exempt] report.

10. LEGAL ADVICE

To consider any legal advice relating to any items in the agenda.

**For further information or assistance, please telephone  
Maureen Brown, Democratic Services Officer, on 01483 523225 or by  
email at [maureen.brown@waverley.gov.uk](mailto:maureen.brown@waverley.gov.uk)**

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## WAVERLEY BOROUGH COUNCIL

### LICENSING (GENERAL PURPOSES) SUBCOMMITTEE

7 SEPTEMBER 2015

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**Title:**

**APPLICATION FOR A HACKNEY CARRIAGE VEHICLE LICENCE (REQUESTING EXEMPTION FROM VEHICLE AGE POLICY)**

**[Wards Affected: All]**

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**Summary and Purpose**

This report enables the Sub-Committee to consider a request to consider granting a licence for a vehicle as a Hackney Carriage vehicle which is more than four years old, with the current Council policy requiring a vehicle being first licensed to be under four years old. There are no environmental or resource implications arising as a result of this report.

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**How this report relates to the Council's Corporate Priorities:**

This report relates to improving lives in the Borough.

**Resource/Value for Money Implications**

There are no immediate resource implications in this report.

**Legal implications:**

Mr Siekaj has the right, under Article 6 European Convention on Human Rights, to a fair hearing. The Sub-Committee is required to give Mr Siekaj the reasons for its decision.

There could be some legal implications if the decision of the Sub-Committee was such that Mr Siekaj decided to appeal to the Crown Court, as is the right of any hackney carriage vehicle licence applicant aggrieved by the Sub-Committee's decision. However, this must not fetter the Sub-Committee's duty of consideration of the matter in the interests of public safety.

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**Introduction**

1. Authority is delegated to officers to issue Hackney Carriage and Private Hire vehicle licences for vehicles that comply with the Council's Hackney Carriage and Private Hire Licensing Policy. Vehicles that do not comply with the policy can be referred to the Sub-Committee for determination on a case-by-case basis.
2. Section 47(1) Local Government (Miscellaneous Provisions) Act 1976 states:

A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary.

3. Waverley Borough Council's current (July 2013) Hackney Carriage and Private Hire Licensing Policy states:

**Age of the vehicle**

Subject always to the vehicle being fit for the purpose and passing its test, commencing from 20th July 2010, the maximum age of vehicles presented to be licensed for the first time shall not be more older than 4 years old at first registration. This is assessed by the date in the vehicle's logbook (registration document) when it is ready for its test. The vehicle may continue to be licensed until its 10th anniversary, by which time it will need to be replaced.

When a vehicle reaches five (5) years old, it shall be required to undergo an interim vehicle test 6 months after licence renewal. Vehicles in this age bracket will be issued with six-month duration plates.

4. Mr Siekaj has applied to licence a Fiat Scudo, which is over four years old but was previously licensed (with disabled access) by Waverley from November 2008 until December 2014. A copy of the application is attached at Annexe 1. The vehicle, a Fiat Scudo has a date of first registration with the DVLA of 3 November 2008 which makes it almost 6 years and 10 months old, which is outside the Council's policy for a newly licensed vehicle.
5. Mr Siekaj recently purchased the vehicle from another licensee and has replaced the vehicle's engine. He requests that the vehicle be granted exemption from the age policy. Attached at Annexe 2 is an email from Mr Siekaj with accompanying photographs.
6. The vehicle is due to be tested at Guildford Borough Depot on 26 August 2014. Results of the test will be tabled at the hearing. Mr Siekaj has stated that the vehicle is in good condition and has disabled access. The current mileage stated on the application, having had a replacement engine, is 10,000 miles.

**Community Safety Implications**

7. The Department for Transport's Best Practice Guide states, "The aim of local authority licensing of the taxi and private hire vehicle trades is to protect the public."

The following options are open to the Sub-Committee to consider:

- Grant the application, giving its reasons for doing so
- Grant the application with such conditions as the Sub-Committee considers reasonably necessary, which must be justified with reasons
- Refuse the application, giving its reasons for doing so

## **Recommendation**

It is recommended that the Sub-Committee gives consideration to the application for a hackney carriage vehicle licence which requests exemption from the age policy for the particular vehicle sought to be licensed as submitted by Mr Siekaj.

If the Committee were minded to licence the vehicle a condition regarding the maximum permitted number of passengers when conveying a passenger in a wheelchair should be considered. When previously licensed the following condition was added:

When conveying a passenger in a wheelchair, this vehicle is licensed to carry up to a maximum of 4 (four) passengers, including the wheelchair passenger, the front passenger seat and the two off side rear passenger seats (one rear and one front facing). At all other times the vehicle is licensed to carry a maximum of 7 (seven) passengers.

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## **CONTACT OFFICER:**

**Name:** Paul Hughes

**Telephone:** 01483 523189

**E-mail:** paul.hughes@waverley.gov.uk

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**APPLICATION FOR  
VEHICLE LICENCE**

<b>Type of licence being applied for: (Tick)</b>			
Hackney Carriage	<input type="checkbox"/>	Private Hire Vehicle	<input checked="" type="checkbox"/>

<b>Renewals Only:</b>			
Plate number		Licence Expiry Date	___ / 12 / ___ 14 /

Please complete all sections in BLOCK CAPITALS

**1. Applicant's Details: (The applicant must be the owner, or one of the owners, of the vehicle)**

Surname: Mr/Mrs/Miss/Ms .....siekaj.....

All first or other names .....krzysztof.....

Address: .....

..... Postcode .....

Telephone (Home) ..

Telephone (Mobile) .....

E-Mail Address: .....

Company/Business Name.....chrsis.taxi.....

**2. All other proprietors:**

i) Name.....

Address .....

ii) Name.....

Address .....

**3. Vehicle Details:**

Vehicle Make ..... fiat ..... Vehicle Model ..... scudo .....

Registration Number ..... sd58jxl ..... Colour ..... black .....

Date of first registration ..... 11.11.2008 .....

Current mileage .new engine 10000..... Number of passenger seats .7.....

Taxi Meter: Make ..... Model ..... Serial No .....

Does the vehicle require (Tick):

Inspection only

Inspection + M.O.T

Is any other person concerned in the keeping, employing or letting for hire of the vehicle? **YES/NO**

If YES, please give the name and address of the person(s) and their type of interest and involvement with the vehicle

.....  
.....  
.....

Address where vehicle will be kept if different from applicant address

.....  
.....  
.....

Has the vehicle ever been involved in an accident to your knowledge? **YES/NO**

If YES, please give details .....

.....

Is the vehicle adapted/suitable for disabled passengers? (please describe adaptation on a separate sheet as appropriate) **YES/NO**

Is this vehicle licensed by any other local authority for hackney carriage or private hire work? **YES/NO**

**Please now complete the Declaration**

**I DECLARE** that to the best of my knowledge and belief the statements made in this form to apply for a licence are true. I hereby agree to the Council's officers making any enquires necessary to verify the information given by me, including reference to relevant records, nominated referees and the Doctor who completed the medical certificate showing my fitness to drive a Hackney Carriage/Private Hire vehicle. I understand that information given in this form may be shared with certain other authorities, including police, revenue and customs and internal departments of the Council, in accordance with the provisions of the Data Protection Act 1998.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Further information is available on the data protection pages of the Council's website at [www.waverley.gov.uk](http://www.waverley.gov.uk). However, if you do have any questions, you should contact Gail Beaton, Audit Client Manager on 01483 523260.

Signed (First named owner) *krzysztof siekaj* .....

Date ... 14.08.2014 .....

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## Paul Hughes

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**From:** Taxi Licensing  
**Sent:** Monday 27 July 2015 09:53  
**To:** Paul Hughes  
**Subject:** FW: fiat scudo sd58jxl from krzysztof siekaj  
**Attachments:** 20150709\_094626.jpg; 1437397949812.jpg

Paul

This is Chris's letter for his car he wants licensed, think you have him down for committee in September.

Alli

**From:** chris siekaj [mailto:[chris.siekaj@taxi.gov.uk](mailto:chris.siekaj@taxi.gov.uk)]  
**Sent:** Friday 24 July 2015 01:29  
**To:** Licensing Policy  
**Subject:** fiat scudo sd58jxl from krzysztof siekaj

hi my name is krzysztof siekaj my adres. \_\_\_\_\_ my badge nr is 162.i  
ready speak to you about fiat scudo i like get the plate for this car i bay the car from taxi driver from  
farnham the old plate nr 87....{the was problem with engine}i replace the engine {new engine only  
50000miles} the car is in good condition and have disabled exsess. i will love to get the plates soo is posible  
i am sending picture of car to.





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# Agenda Item 6.

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of the Local Government Act 1972.

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# Agenda Item 7.

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