

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
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Calls may be recorded for training or monitoring

Date: 14 November 2014

Membership of the Licensing (General Purposes) Sub-Committee

Cllr Simon Inchbald (Chairman)

Cllr Elizabeth Cable

Cllr Patricia Ellis (Vice Chairman)

Cllr Tony Gordon-Smith

Cllr Maurice Byham

Substitutes

Cllr Peter Isherwood

Cllr Andrew Wilson

Cllr Carole King

Dear Councillors

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

DATE: THURSDAY, 27 NOVEMBER 2014

TIME: **10.00 A.M.**

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 18 September 2014 (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 QUESTIONS BY MEMBERS OF THE PUBLIC

The Chairman to respond to any questions received from members of the public of which notice has been given in accordance with Procedure Rule 10.

5 APPLICATION FOR HACKNEY CARRIAGE VEHICLE LICENCE (INVOLVING EXEMPTION FROM VEHICLE AGE POLICY) (Pages 5 - 10)

This report enables the Sub-Committee to consider granting a licence for the first time for a vehicle as a Hackney Carriage which is more than four years old, with the current Council policy requiring a vehicle being first licensed to be no more than 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 Mr Khan's application to license the vehicle identified in his application which includes a request for an exception to be made to the age policy in respect of the vehicle.

6 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)

7 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (Pages 11 - 30)

To consider the Exempt Report.

8 APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE (Pages 31 - 48)

To consider the Exempt report.

9 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**

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WAVERLEY BOROUGH COUNCIL

LICENSING (GENERAL PURPOSES) SUB-COMMITTEE

27 NOVEMBER 2014

Title:

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

[Wards Affected: N/A]

Summary and Purpose

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

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

This report relates to improving lives in the Borough.

Equality and Diversity Implications:

There are no equality implications.

Resource/Value for Money Implications

There are no immediate resource implications in this report.

Legal implications:

Mr Keshar Khan has the right, under Article 6 European Convention on Human Rights, to a fair hearing. The Sub-Committee is required to give Mr Khan the reasons for its decision in the event of a refusal to issue the licence.

There could be some legal implications if the decision of the Sub-Committee was such that Mr Khan decided to appeal to the Magistrates' Court, as is the right of any licensee 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.

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. The Council has a discretion whether or not to grant an application for a hackney carriage vehicle licence, but must give reasons for refusing. 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 20 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 Khan is a newly licensed driver with Waverley, issued on the 17.10.14, who has now submitted a new Hackney Carriage vehicle application.
5. The vehicle, a Ford Galaxy, has a date of first registration with the DVLA of 26 February 2010 which makes it 4 years and 9 months old, which is outside of the Council's policy for a newly licensed vehicle.
6. Mr Khan has submitted a letter requesting that the Committee considers his application and giving his explanation, attached at Annexe 1.
7. The vehicle is due to be tested at Guildford Borough Depot. Results of the test will be tabled at the hearing.

Community Safety Implications

There are no community safety implications as the vehicle has passed the vehicle inspection when tested by Guildford Borough Council in accordance with Waverley test criteria.

Recommendation

It is recommended that the Sub-Committee gives consideration to Mr Khan's application to license the vehicle identified in his application, which includes a request for an exception to be made to the age policy in respect of the vehicle.

CONTACT OFFICER:

Name: Paul Hughes

Telephone: 01483 523189

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

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Exact typing from original hand written letter

RESPECTED Sir/Madam

With due respect it is stated that my name is Mr KESHAR KHAN and I passed my Hackney Badge for Waverley Borough Council in 2014 October. I got a car of Reg. No. WM59 USE and I want to get Taxi Plate on it. I got registration of the above car in 2010 February And according to Waverley Borough car should be only 4 years old when applied for a Taxi Plate at first time.

Now I request u if it can consider my above car as I bought this car in 2010 and apply for Waverley Badge in 2011 but some family reasons it got delayed and I finally got my Badge in 2014. I already spend £10,000 on this car and I got 4 kids so cant afford another car straight away. This car got very low mileage on it and looked after very well since 2010 I bought it. Please if u consider my above car for Taxi Plate I would be much appreciated and can do some work to earn money for my kids.

REGARDS

KESHAR KHAN

25/10/2014

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