

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE - 7 JULY  
2016

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING – 22  
SEPTEMBER

(To be read in conjunction with the Agenda for the Meeting)

**Present**

Cllr Simon Inchbald (Chairman)	Cllr Carole King
Cllr Patricia Ellis (Vice Chairman)	Cllr Bob Upton
Cllr Tony Gordon-Smith	

58. APPOINTMENT OF CHAIRMAN (Agenda item 1.)

Councillor Simon Inchbald was confirmed as Chairman of the Licensing (General Purposes) Sub-Committee for the Council Year 2016/17.

59. APPOINTMENT OF VICE-CHAIRMAN (Agenda item 2.)

Councillor Patricia Ellis was confirmed as Vice-Chairman of the Licensing (General Purposes) Sub-Committee for the Council Year 2016/17.

60. MINUTES (Agenda item 3.)

The minutes of the meeting held on 18 April 2016 were confirmed and signed.

61. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 4.)

There were no apologies for absence.

62. DECLARATIONS OF INTEREST (Agenda item 5.)

Councillor Patricia Ellis declared a non-pecuniary interest in agenda items 6 and 7 as the applicant and several of the referees were known to her.

**PART 1 – RECOMMENDATIONS TO THE COMMITTEE**

There were no matters falling within this category

**PART 2 – MATTERS OF REPORT**

The background papers relating to the following items are as set out in the reports included in the original agenda papers.

63. APPLICATION FOR EXEMPTION FROM PRIVATE HIRE PLATE DISPLAY - PLATE NUMBER 235 (Agenda item 6.)

The Sub-Committee considered a request from Ms Gail Grace, a licensed Private Hire driver with Waverley of Driving Miss Daisy (Cranleigh Franchise) for exemption from the requirement to display the private hire licence plate on a private hire vehicle licensed by the Council. Ms Gail Grace represented herself at the hearing but had two colleagues attending with her.

The Sub-Committee noted that Ms Grace was providing a very good service for the community in Cranleigh particularly for vulnerable people. Members agreed to the application with the same conditions as those in Farnham.

The request was considered and it was

RESOLVED that the request for exemption from the requirement to display a private hire licence plate be granted to Ms Grace in respect of her vehicle, Plate no. 235 because the nature of the applicant's business is such that there is justification for not displaying the plate. The Plate and paper copy of the licence to be carried in the vehicle at all times.

The Sub-Committee grant the request but the exemption only operates until further notice and the Council reserves the right to reconsider the exemption should circumstances arise which warrant doing so.

64. APPLICATION FOR EXEMPTION FROM PRIVATE HIRE PLATE DISPLAY - MR GLEN GOURLEY (Agenda item 7.)

The Sub-Committee considered a request from Mr Glen Gourly, a licensed Private Hire driver with Waverley for exemption from the requirement to display the private hire licence plate on two private hire vehicles. Ms Gourly represented himself at the hearing.

The Sub-Committee noted that Mr Gourly would like to have plate exemption for two S Class Mercedes limousines. Since submitting his written request Mr Gourly had purchased one, a Mercedes S350 Blue Tec and licensed it with Waverley, plate no. 301. Mr Gourly advised the Sub-Committee that there was a need in the Cranleigh area for a chauffeur service, predominantly for weddings and funerals.

The request was considered and it was agreed that one car could be exempt from the requirement for the licence plate but he would need to return once the second was purchased.

RESOLVED that the request for exemption from the requirement to display a private hire licence plate be granted to Mr Gourly in respect of his vehicle, Plate no. 301 because the nature of the applicant's business is such that there is justification for not displaying the plate. The Plate and paper copy of the licence to be carried in the vehicle at all times.

The Sub-Committee grant the request but the exemption only operates until further notice and the Council reserves the right to

reconsider the exemption should circumstances arise which warrant doing so.

65. EXCLUSION OF PRESS AND PUBLIC (Agenda item 8.)

RESOLVED that, pursuant to Procedure Rule 20 and in accordance with Section 100B(5) 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, namely:-

Information relating to any individual (paragraph 1)

66. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (Agenda item 9.)

The Sub-Committee considered a report regarding an application where the applicant's Disclosure and Barring Service criminal records check (DBS) had disclosed a number of offences that the Sub-Committee would need to take into consideration when considering the application. The applicant attended the meeting and advised that he had read and understood the report.

Following questions by the Sub-Committee and responses from the driver the Sub-Committee withdrew at 11.15 am.

Following the Sub-Committee's deliberation the meeting resumed at 11.58 am. The Council's solicitor had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

RESOLVED that, on the balance of probabilities the Sub-Committee did not consider the applicant to be a fit and proper person to hold a Private Hire driver's licence and decided to refuse the application for the reasons in the [Exempt] Annexe to these minutes.

67. REVIEW OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (Agenda item 10.)

The Sub-Committee considered a report regarding an existing hackney carriage/private hire driver, who had received 6 penalty points for a single offence on his DVLA driver's licence bringing the current unexpired total to nine points. The applicant attended the meeting and advised that he had read and understood the report.

Following questions by the Sub-Committee and responses from the driver the Sub-Committee withdrew at 12.30pm.

Following the Sub-Committee's deliberation the meeting resumed at 1.08pm. The Council's solicitor had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

RESOLVED that, on the balance of probabilities the Sub-Committee did consider the applicant to be a fit and proper person to hold a Private Hire driver's licence and decided to take no further action for the reasons in the [Exempt] Annexe to these minutes.

68. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (Agenda item 11.)

The Sub-Committee considered a report regarding an application for a Hackney Carriage/Private Hire driver's licence. The applicant was previously licensed by Waverley as a Hackney Carriage/Private Hire driver, however a decision to revoke his licence was made by the Licensing (General Purposes) Sub-Committee following a hearing on the 29 May 2014.

Following questions by the Sub-Committee and responses from the driver the Sub-Committee withdrew at 2pm.

Following the Sub-Committee's deliberation the meeting resumed at 2.47pm. The Council's solicitor had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

RESOLVED that, on the balance of probabilities the Sub-Committee did consider the applicant to be a fit and proper person to hold a Private Hire driver's licence, subject to some conditions which are detailed in the [Exempt] Annexe to these minutes.

**The meeting commenced at 10.15am and concluded at 2.50pm**

**Chairman**