

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE - 26  
JANUARY 2017

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE – 22 MAY 2017

(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

**Apologies**

Cllr Tony Gordon-Smith

81. MINUTES (Agenda item 1.)

The minutes of the meeting which took place on 24 November 2016 were confirmed and signed.

82. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 2.)

There was apologies for absence from Councillor Tony Gordon-Smith. Councillor Anna James was in attendance as a substitute.

83. DECLARATIONS OF INTEREST (Agenda item 3.)

There no declarations of interest.

84. EXCLUSION OF PRESS AND PUBLIC (Agenda item 4.)

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:-

1. Information relating to any individual

85. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (Agenda item 6.)

The Sub-Committee considered a report regarding an application for a hackney carriage/private hire driver. The applicant re-applied for a Hackney Carriage/Private Hire driver licence in July 2016 following a previous decision to revoke his licence

made by the Licensing (General Purposes) Sub-Committee following a hearing on 29 May 2014. On 7 July 2016 the Committee decided to grant a Private Hire Only badge.

The applicant attended the meeting and advised that he had read and understood the report.

The applicant explained the reason behind now wanting to be able to work from the rank at Haslemere railway station as well as continue with Private Hire and what had changed since his Hackney Carriage licence had been revoked.

Following questions by the Sub-Committee and responses from the driver the Sub-Committee withdrew at 10.30am.

Following the Sub-Committee's deliberation the meeting resumed at 11.13am. 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 Hackney Carriage/Private Hire driver's licence for the reasons in the [Exempt] Annexe to these minutes.

86. REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE (Agenda item 5.)

The Sub-Committee considered a report regarding an existing hackney carriage/private hire driver, who had received a number of racial complaints both from a member of the public and other drivers on three separate occasions in August 2016, November 2016 and January 2017.

The driver attended the meeting and advised that he had read and understood the report.

The driver explained the history of the complaints and gave an account of what had happened on the three separate occasions which lead to the complaints being received. He also outlined issues with the siting of the rank at Farnham Town Centre which had resulted in some of the frustration the driver had experienced. It was confirmed that the driver had been licensed by Waverley Borough Council since April 1993 and no complaints had been received prior to August 2016.

Following questions by the Sub-Committee and responses from the driver the Sub-Committee withdrew at 11.54am.

Following the Sub-Committee's deliberation the meeting resumed at 12.33pm. 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 driver 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.

On reading out the decision to the driver it became apparent that there was already 6points on the drivers licence for an unrelated offence. The result of the decision for this offence meant the driver had accumulated 12points which would require another hearing to decide whether or not on the balance of probabilities the Sub-Committee considered the driver to be a fit and proper person to hold a Hackney Carriage/Private Hire driver's licence.

The Sub-Committee heard representations from the driver and agreed that they could make a decision at the meeting and following questions by the Sub-Committee and responses from the driver the Sub-Committee withdrew again at 12.45pm.

Following the Sub-Committee's deliberation the meeting resumed at 1pm. 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 driver to be a fit and proper person to continue to hold a Private Hire driver's licence and decided to take no further action for the reasons in the [Exempt] Annex to these minutes.

**The meeting commenced at 10.15 am and concluded at 1.02 pm**

**Chairman**

**Chairman**