

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE - 16
OCTOBER 2017

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING – 20
NOVEMBER 2017

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

Present

Cllr Maurice Byham
Cllr Patricia Ellis
Cllr Tony Gordon-Smith

Cllr Anna James
Cllr Bob Upton

21. MINUTES (Agenda item 1.)

The minutes of the meeting held on 25 September were confirmed and signed.

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

There were no apologies for absence.

23. DECLARATIONS OF INTEREST (Agenda item 3.)

There were no declarations of interest.

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

At 9.03am it was

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

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

The Sub-Committee considered a report regarding a review of a Hackney Carriage Driver's Licence.

The applicant attended the meeting and before continuing, advised the Chairman that he had not received the papers until the Friday before the Hearing which left him only the weekend to go through the report. He was phoned that day by the Licensing Officer who was checking his attendance, and the Driver advised that he had not received the papers which were then immediately sent to him by email. The

Licensing Officer confirmed that the Royal Mail had delivered the envelope but as no one was at the property, a card was left but was not collected from the Post Office. The Sub-Committee adjourned the meeting at 9.15am to consider whether or not they should proceed. Members returned at 9.20am. The Chairman, and the Legal Advisor asked the Driver if they were happy to continue with the Hearing or if the driver would prefer to adjourn and it be arranged for a new date. The Driver confirmed on three occasions that he was happy to proceed of which was agreed.

The Sub-Committee asked questions of the Driver and what lead to the incidences referred to in the exempt report. The Driver explained the incidents, specifically those that had happened over the last year and advised about the difficulties he had experienced recently with the dealing of a complaint with the Council. The Sub-Committee reminded the driver of his responsibilities for being a Waverley Borough Council licensed Hackney Carriage Driver and asked whether he understood the policy and accepted the conditions imposed. The Driver confirmed that he did but relations had recently broken down which had not helped with the situation.

The Sub-Committee withdrew at 10.15pm to consider whether or not the driver could continue to operate. Following the Sub-Committees deliberation the meeting resumed at 11.31am. The Council's solicitor had been asked to advise the Sub-Committee during their deliberations on the wording of their decision.

RESOLVED that the driver's licence be suspended for a period of 10working days which would take effect at the end of the period of 21 days beginning with the day on which notice of the suspension was given to the Driver. Full reasons for the decision are noted in the attached exempt minute.

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

The Sub-Committee considered a report regarding the application for a Hackney Carriage/Private Hire Driver's Licence.

The applicant attended the meeting and was accompanied by his son and an official interpreter appointed by the Council. The applicant confirmed that they had read and understood the report.

The Sub-Committee asked questions of the applicant of which they provided an account of what had happened and what lead to the incident which had lead to his License being revoked in 2015. Members asked questions surrounding the circumstances of the incident and their driving history since that.

The Sub-Committee withdrew at 12.26pm to consider whether or not to grant a licence. Following the Sub-Committees deliberation the meeting resumed at 12.47pm. The Council's solicitor had been asked to advise the Sub-Committee during their deliberations on the wording of their decision.

RESOLVED that the applicant was a fit and proper person and granted the licence. The full reasons are attached as an exempt annexe to these minutes.

27. REVIEW HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (Agenda item 7.)

The Sub-Committee considered a report regarding a review of a Hackney Carriage/Private Hire Driver's Licence.

The applicant attended the meeting and confirmed that they had read and understood the report.

The Sub-Committee asked questions of the Driver of which they provided an account of what had happened and why it resulted in a court fine. Members asked questions surrounding the circumstances and reminded the driver of his responsibilities for being a Waverley Borough Council licensed Hackney Carriage Driver.

The Sub-Committee withdrew at 12.55pm to consider whether or not the driver could continue to operate. Following the Sub-Committee's deliberation the meeting resumed at 1.30pm. The Council's solicitor had been asked to advise the Sub-Committee during their deliberations on the wording of their decision.

RESOLVED that the applicant was a fit and proper person and granted the licence. The full reasons are attached as an exempt annexe to these minutes.

The meeting commenced at 9.00 am and concluded at 1.30 pm

Chairman