

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

Direct line: 01483 523225

Calls may be recorded for training or monitoring

Date: 6 March 2015

Membership of the Licensing (General Purposes) Sub-Committee

Cllr Simon Inchbald (Chairman)

Cllr Tony Gordon-Smith

Cllr Patricia Ellis (Vice Chairman)

Cllr Carole King

Cllr Maurice Byham

Substitutes

Cllr Elizabeth Cable

Cllr Andrew Wilson

Cllr Peter Isherwood

Dear Councillors

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

DATE: THURSDAY, 19 MARCH 2015

TIME: 10.15 AM (or at the conclusion of the Licensing and Regulatory Committee, whichever is the later)

PLACE: COUNCIL CHAMBER

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 29 January 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 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 EXEMPTION FROM PRIVATE HIRE PLATE DISPLAY
(Pages 5 - 12)

This report enables the Sub-Committee to consider a request for exemption from the requirement to display the private hire licence plate on a private hire vehicle licensed by the Council. There are no environmental or resource implications arising as a result of this report. Approval of a certificate of exemption could have community safety implications, which are set out in the report.

Recommendation

It is recommended that the Sub-Committee gives consideration to the request for exemption from the requirement to display a private hire licence plate on any occasion when the vehicle is used for chauffeur purposes, as submitted by Mr Hurren in respect of his vehicle, Private Hire Plate no 321.

6 APPLICATION FOR EXEMPTION FROM PRIVATE HIRE PLATE DISPLAY
(Pages 13 - 24)

This report enables the Sub-Committee to consider a request for exemption from the requirement to display the private hire licence plate on a private hire vehicle licensed by the Council. There are no environmental or resource implications arising as a result of this report. Approval of a certificate of

exemption could have community safety implications, which are set out in the report.

Recommendation

It is recommended that the Sub-Committee gives consideration to the request for exemption from the requirement to display a private hire licence plate on any occasion when the vehicles are used for chauffeur purposes, as submitted by Ms Lumb in respect of both vehicles, Private Hire Plate no (to be confirmed) and Private Hire Plate no (to be confirmed).

7 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)

8 REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE
(Pages 25 - 64)

To consider the attached Exempt report.

9 APPLICATION FOR PRIVATE HIRE DRIVERS LICENCE (Pages 65 - 82)

To consider the attached Exempt report.

10 APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (Pages 83 - 132)

To consider the attached Exempt report.

11 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 – 19 MARCH 2015

Title:

APPLICATION FOR EXEMPTION FROM PRIVATE HIRE PLATE DISPLAY
[Wards Affected: All]

Summary and Purpose

This report enables the Sub-Committee to consider a request for exemption from the requirement to display the private hire licence plate on a private hire vehicle licensed by the Council. There are no environmental or resource implications arising as a result of this report. Approval of a certificate of exemption could have community safety implications, which are set out in the 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:

The Local Government (Miscellaneous Provisions) Act 1976 enables the Council, as its discretion, to grant an exemption from the requirement to display a private hire vehicle's vehicle licence plate.

Introduction

1. Private Hire Vehicles and their drivers may be pre-booked only via a licensed private hire operator. Each of the three licences, for the operator, the vehicle and the driver, must be issued by the same licensing authority, i.e. the licences must 'match'. Under Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976, private hire vehicle proprietors (licensees) are required to exhibit on their vehicles the vehicle licence plates provided by the Council.
2. Notwithstanding this provision, Section 75(1) of the Act provides:

“(1) Nothing in this Part of the Act shall –

- (d) require the display of any plate, disc or notice in or on any private hire vehicle licensed by a Council under this Part of this Act during such period that such vehicle is used for carrying passengers for hire or reward - (ii) under a contract for the hire of the vehicle for a period of not less than 24 hours,
3. In addition, the Act enables the Council, generally, to grant an exemption from the requirement to display licence plates on private hire vehicles on *occasions specified* by the authority, or on *any occasion*, provided that the notice of exemption is carried in the vehicle (Section 75(3)). If an exemption from display on specified occasions/any occasion is granted, the driver of the vehicle is also exempted from the requirement in Section 54(2)(a) that he should wear his private hire driver’s badge. The driver must, however, be a private hire driver licensed by the Council. For the Sub-Committee’s information, no such exemptions exist for hackney carriages (taxis).
4. If granted an exemption, the plate and the letter of exemption must be carried in the vehicle and produced for inspection when requested. The Sub-Committee has authorised several vehicles for exemption from plate display in the past, and the requests for such exemption are usually because the operator wishes to have a specific vehicle for more exclusive work than the daily ‘to and fro’ type of work which these vehicles may undertake.
5. The primary function of a chauffeur/executive driver and vehicle is to transport passengers from a to b, albeit in a higher quality vehicle than a conventional minicab. Whilst recognising that the drivers might have a more dedicated focus on higher quality customer care, chauffeur vehicles fall within the Private Hire regime.

Applications for Exemption and Transfer

6. As set out in the summary, a request has been received from Mr Steven Hurren, a licensed driver with Waverley, who is going to work with Mr Colin Gardner of Westbury Cars, Executive Chauffer Private Hire in Farnham, for exemption from display of his licence plate at any time. A Private Hire Operator/Driver would normally need to have a good reason to request exemption, such as that the vehicle is primarily used in professional executive chauffeur-driven vehicle hire.
7. Up until recently the vehicle, a Mercedes E 350 Cdi Avantgarde Auto, Silver in colour, plate no. 321, was owned by Mr Gardner and was granted plate exemption by the Committee on 31 January 2013.
8. Mr Gardner purchased a new Mercedes E Class on 1 March 2015 and Officers granted the transfer of the plate exemption from plate 321 to the new vehicle, which was given a new plate number.

9. Mr Hurren is now the owner of the Mercedes E 350 Cdi Avantgarde Auto, Silver in colour, plate no. 321 and is going to work with Westbury Cars and has therefore requested an exemption.
10. Correspondence requesting plate exemption from Mr Gardner and Mr Hurren is reproduced at Annexe 1.
11. Officers are seeking generally to ensure that plate exemption should not be an automatic procedure and that applicants produce suitable evidence of their reasons for requesting an exemption. It is important that full details of the work should be submitted to the Council with any application for exemption, before the Committee is asked to consider the details.

Community Safety Implications

12. The provision of an identifying licence plate on the rear of a vehicle and also the driver's badge (which the driver must wear) are an assurance for hirers that they are using a safe and properly licensed vehicle and not a bogus one. An exemption from the requirement to display the licence plate could have community safety implications if the vehicle was then used for more routine and day-to-day private hire work. If an exemption is approved, the Private Hire Licence plate must be carried in the vehicle, together with the Council's letter of approval of exemption, but these will not be evident or immediately obvious to the hirer.
13. However, with the Council's vehicle licence-plate system introduced in 2005, there is now an obligation for all vehicles, including 'exempted' private hire vehicles, to display the internal small version of the plate in the front window of the vehicle. This should help to ensure that enough evidence is in place to assure any hirer of the vehicle's licence status. This is an important community safety issue.

Recommendation

It is recommended that the Sub-Committee gives consideration to the request for exemption from the requirement to display a private hire licence plate on any occasion when the vehicle is used for chauffeur purposes, as submitted by Mr Hurren in respect of his vehicle, Private Hire Plate no 321.

Background Papers

Correspondence from Mr Hurren and Mr Gardner.

CONTACT OFFICER:

Name: Paul Hughes

Telephone: 01483 523189

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

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Paul Hughes

From: Abbey Taxis <info@abbeytaxisfarnham.co.uk>
Sent: Friday 27 February 2015 11:50
To: Paul Hughes
Subject: Re: Plate Exemption

Dear Mr Hughes

Further to our telephone conversation this morning please accept this as my request for my new vehicle a Mercedes CG62 SEG E 350 Avant-garde be granted an exception from externally displaying a rear private hire plate I wish for said plate to be carried in the boot along with any relevant documentation. There is to be no request for the windscreen display to be exempt.

My new business plan dictates that the calibre of client for many reasons including security wish for the vehicle that they travel in be unmarked.

Should you require any further explanation please feel free to call at any time.

Yours Faithfully

Mr. S M Hurren

Steve Hurren

On 27 Feb 2015, at 10:07, Paul Hughes <Paul.Hughes@waverley.gov.uk> wrote:

Paul Hughes
Licensing Manager
01483 523189

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

WESTBURY CARS
(Licensed Chauffeur Drive & Taxi)

4 WESTBURY GARDENS
FARNHAM, SURREY
GU9 9RN

28th January 2015

Paul Hughes Esq.
Waverley Borough Council
The Burys
Godalming
Surrey
GU7 1HR

Reference; Transfer of plate exemption.

Dear Sir,

As of the 1st March 2015 I will be taking delivery of my new Mercedes E Class as previously mentioned in earlier correspondence. My existing Mercedes E Class, reg No CG62 SEG Plate No 321 is being transferred to a new owner namely Mr. Steven Hurren, who is currently a licensed driver with Waverley. This vehicle currently has an exemption to display the licence plate authorization in place and it is my request that the authorization of the same is transferred into Mr. Hurren's name as of the 1st March 2015.

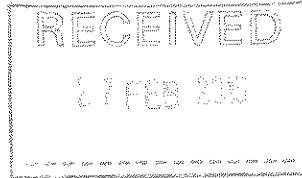
Mr. Hurren will be working with Westbury Cars offering a Chauffeur Driven Private Hire service in the same manner as I currently provide. Both Westbury Cars and Mr. Hurren have clients who's wish it is, to have unmarked vehicles for security reasons and others besides. It goes without saying that we would be obliged to have the screen badge in place at all times and to carry the letter of authorization within the car as we do at the moment.

Should you be able to process this request in house it would be appreciated but if not then we would be more than happy to attend a committee meeting to apply formally to the licencing committee in person.

Yours sincerely



Colin Gardner
For Westbury Cars.



Silvertree
Coxbridge Business Park
Alton Road, Farnham
Surrey GU10 5EH
United Kingdom

Tel. +44 (0)1252 730500
Fax. +44 (0)1252 730530
www.drs.com

26 February 2015

Waverley Borough Council
The Burys
Godalming
Surrey
GU7 1HR

Attention: Mr Paul Hughes, Taxi Licencing Dept.

Dear Sirs

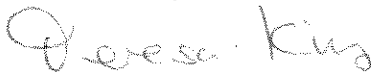
RE: ABBEY CARS OF FARNHAM

We value the service given by Abbey Cars of Farnham and have used them for a number of years. We understand that Mr Steve Hurren wishes to be exempt from a plate on his new Mercedes E Class car as his business is for the corporate end of private hire.

We use his service for our corporate customers and senior personnel who come to our facility from the USA and Middle East.

Abbey Cars of Farnham offers services to the passenger that are of a standard and class that go well beyond that which might be expected on a normal private hire journey.

Yours faithfully



Teresa King
For DRS TECHNOLOGIES UK LTD

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WAVERLEY BOROUGH COUNCIL

LICENSING (GENERAL PURPOSES) SUB-COMMITTEE – 19 MARCH 2015

Title:

APPLICATION FOR EXEMPTION FROM PRIVATE HIRE PLATE DISPLAY
[Wards Affected: All]

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Introduction

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 5. The primary function of a chauffeur/executive driver and vehicle is to transport passengers from a to b, albeit in a higher quality vehicle than a conventional minicab. Whilst recognising that the drivers might have a more dedicated focus on higher quality customer care, chauffeur vehicles fall within the Private Hire regime.

Applications for Exemption and Transfer

6. As set out in the summary, a request has been received from Ms Victoria Lumb, of Driving Miss Daisy, Surrey (who is currently applying for a Private Hire Drivers licence) for exemption from display of the licence plate at any time for two vehicles they will be licensing in April. The registration numbers of the two Skoda Roomsters, Miami blue in colour, are not known at this time and their private hire plate numbers are yet to be assigned.
7. A Private Hire Operator/Driver would normally need to have a good reason to request exemption, such as the vehicle primarily being used in professional executive chauffeur-driven vehicle hire.
8. The Driving Miss Daisy business and concept is a new one, and does not exactly fit into the usual set up of a private hire business. and that is why they have requested exemption.

9. Correspondence requesting plate exemption from Ms Victoria Lumb is reproduced at Annexe 1 and details of the business from their website are attached at Annexe 2.
10. Officers are seeking generally to ensure that plate exemption should not be an automatic procedure and that applicants produce suitable evidence of their reasons for requesting an exemption. It is important that full details of the work should be submitted to the Council with any application for exemption, before the Committee is asked to consider the details.

Community Safety Implications

11. The provision of an identifying licence plate on the rear of a vehicle and also the driver's badge (which the driver must wear) are an assurance for hirers that they are using a safe and properly licensed vehicle and not a bogus one. An exemption from the requirement to display the licence plate could have community safety implications if the vehicle was then used for more routine and day-to-day private hire work. If an exemption is approved, the Private Hire licence plate must be carried in the vehicle, together with the Council's letter of approval of exemption, but these will not be evident or immediately obvious to the hirer.
12. However, with the Council's vehicle licence-plate system introduced in 2005, there is now an obligation for all vehicles, including 'exempted' private hire vehicles, to display the internal small version of the plate in the front window of the vehicle. This should help to ensure that enough evidence is in place to assure any hirer of the vehicle's licence status. This is an important community safety issue.

Recommendation

It is recommended that the Sub-Committee gives consideration to the request for exemption from the requirement to display a private hire licence plate on any occasion when the vehicles are used for chauffeur purposes, as submitted by Ms Lumb in respect of both vehicles, Private Hire Plate no (to be confirmed) and Private Hire Plate no (to be confirmed).

Background Papers

Correspondence from Ms Lumb.

CONTACT OFFICER:

Name: Paul Hughes

Telephone: 01483 523189

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

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Driving Miss Daisy Surrey
Heathland, Tilford Road
Rushmoor, Farnham, Surrey
GU10 2ER
07525 872496

Paul Hughes
Licensing Officer
Waverley Borough Council
The Burys, Godalming, Surrey
GU7 1HR

3rd February 2015

Dear Mr Hughes

Re Licensing Application for Driving Miss Daisy cars

Further to our meeting regarding Driving Miss Daisy business starting in Surrey on 19th November 2014, we are now in a position to apply for the relevant licensing.

Please find enclosed :

- Application for Private Hire Operators Licence
- Application for New Private Hire Licence x 2
- Photos of the car with signage

As the Diving Miss Daisy business and concept is a new one, and does not exactly fit into an existing category, it may be required to request special dispensation for the following :

Signage - As we discussed, the cars (Skoda Roomster in Miami blue) are branded with a daisy design and contact details on the side. I have enclosed photographs of the cars which are already on the road in Hampshire and Wiltshire.

Private hire plate – as we are offering a slightly different service to a normal private hire vehicle (a pre-booked companion service, not just driving), we do not wish to display the plate on the back of the cars; we would request that these could be carried in the vehicle.

We have already received our DBS certificates, and have our knowledge test booked for the 23rd February. We understand there is a committee meeting on the 19th March, where we would like to present the business for them to consider our application and the dispensations.

Yours sincerely

Victoria Lumb





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1. INDEPENDENCE – No longer will you need to rely on friends and family to take you out and about! Your community companion can take you wherever you need to go – to medical appointments, shopping, to visit friends, transport your children to school or to after-school activities if you're working, to the air , or maybe even when you simply want to go for a drive!



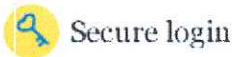
[Driving Miss Daisy UK](#)

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All the very best of luck Mel
Turner for your new venture.
Much love xxx

From everyone at Driving Miss
Daisy UK we would like to wish
you all a Happy and Prosperous
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All the very best of luck Mel Turner for your new venture. Much love xxx

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We provide transportation services for the Elderly, children, disabled and for anyone who is unable to drive from A to B. We offer you independence and peace of mind, enabling you to get out, have fun, and add some zing into your everyday living. Our special service also provides assistance in and out of the car, going to appointments, shopping and company on outings.

Special needs are catered for including assistance with a walker or wheelchair.

Find out if Driving Miss Daisy is near you – please call us on 0333 014 6211, we look forward to hearing from you.



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Agenda Item 9

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