

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE - 22
AUGUST 2022

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING – 12
SEPTEMBER 2022

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

Present

Cllr Robert Knowles (Chairman)
Cllr Michael Goodridge

Cllr Ruth Reed
Cllr Jerome Davidson

Cllr John Ward (Substitute)

Apologies

Cllr Martin D'Arcy

102. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 1.)

Apologies for absence were submitted by Cllr Martin D'Arcy. Cllr John Ward attended as substitute.

103. DECLARATIONS OF INTEREST (Agenda item 2.)

There were no declarations of interest submitted for this meeting.

104. EXCLUSION OF PRESS AND PUBLIC (Agenda item 3.)

The Chairman read out the reasons for the exclusion of the public and the committee agreed to go into exempt session.

105. REVIEW OF HACKNEY CARRIAGE LICENCE - DRIVER 1 (Agenda item 4.)

The Committee considered the report and supporting documents and at the hearing heard further from the driver.

In relation to the matters of driving with no insurance, the Committee noted the background to events and the drivers explanation and personal circumstances including mitigation in full.

The Committee heard how the driver had been working as a delivery driver for a third party who had assured him he was insured on the vehicle and that he had taken their word that this was correct. During the committee hearing, the driver was very open in their understanding and acceptance that they had failed to comply with the standards expected of a licensed driver.

The Committee considered carefully their good record overall and noted (as indicated by the Licensing Officer) that their DVLA record and Waverley penalty

points records were clear up until this incident. It was accepted that this incident was out of character and a misjudgement. The Committee commended him for his honest and open approach.

The Committee considered the case on its own merits and, in line with the policy, noted that in exceptional circumstances it was possible to depart from the policy. However, the overriding objective was to ensure that drivers are fit and proper individuals and who do not represent a risk to members of the travelling public.

In line with Waverley's policy, reference was made to the fact that regulatory offences will give doubts to an individual's suitability to be a licensed driving professional. The Committee however recognised that they understood fully the possible impacts of their conduct and this could have impacted upon their passengers, and other road users.

The Committee expressed concern that he had not checked he was insured, and his failure to inform the Licensing office of his points on his licence. They accepted his apology, explanation and mitigating circumstances and were grateful for his open and honest approach throughout.

The Committee felt that he could be considered as a 'fit and proper' person and agreed that it was appropriate and proportionate taking into account his cooperation and mitigation, to award 10 Waverley penalty points which were 8 for driving without insurance and 2 for not informing the Council of his points.

106. REVIEW OF HACKNEY CARRIAGE LICENCE - DRIVER 2 (Agenda item 5.)

The Committee considered the report and supporting documents and at the hearing heard further from the driver.

In relation to the matters of driving on an expired plate, the Committee noted the background to events and the drivers explanation and personal circumstances including mitigation in full.

The Committee heard how the driver had been not realised his plate had expired as it had recently become over 5 years old and so required a 6 monthly inspection. During the committee hearing, the driver expressed that he had received no reminder form the Council and was surprised that a request for his expired plate had not been made in the 3 months he had been driving on an expired licence.

The Committee considered carefully their long driving history and their good record overall and noted (as indicated by the Licensing Officer) that their DVLA record and Waverley penalty points records were generally clear up until this incident, save having 4 penalty points in 2019 for a similar incident. It was accepted that this incident was a misjudgement and mistake in his administration management.

The Committee considered the case on its own merits, and in line with the policy noted that in exceptional circumstances it was possible to depart from the policy. However, the overriding objective was to ensure that drivers are fit and proper individuals and who do not represent a risk to members of the travelling public.

In line with Waverley's policy, reference was made to the fact that regulatory offences will give doubts to an individual's suitability to be a licensed driving professional. The Committee however recognised that they understood fully the possible impacts of their conduct and this could have impacted upon their passengers, and other road users.

The Committee expressed concern that he had disregarded the policy and procedures but accepted his apology, explanation and mitigating circumstances.

The Committee felt that he could be considered as a 'fit and proper' person and agreed that it was appropriate and proportionate taking into account his cooperation and mitigation, to award 6 Waverley penalty points.

107. LEGAL ADVICE (Agenda item 6.)

Legal advice was sought throughout deliberation.

The meeting commenced at 10.00 am and concluded at 11.05 am

Chairman