

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE - 14
AUGUST 2023

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING – 19
SEPTEMBER 2023

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

Present

Cllr Jacquie Keen (Chair)
Cllr Michael Goodridge

Cllr George Murray

Apologies

Cllr Jerome Davidson and Cllr James Staunton

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

Apologies were received from Cllrs Jerome Davidson and James Staunton.

2. DECLARATIONS OF INTEREST (Agenda item 2.)

There were no declarations of interest submitted for this meeting.

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

The Chair submitted the following motion:-

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)

4. LICENSING ACT 2003 - APPLICATION FOR A NEW HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE (Agenda item 4.)

The Committee considered the report, supporting material and a submission from the driver on the circumstances leading to the hearing.

In relation to his previous conviction for the offence of driving a motor vehicle with the proportion of specified drug above the specified limit on 7 August 2017, contrary

to the Road Traffic Act 1988 S 5A (1)(a), the Committee heard that he had been disqualified from driving on the 3 November 2017 for a period of 12 months.

The Committee considered carefully the information provided and heard the drivers explanation of events. He explained that he had grown up a lot in the last five years and had completed a number of qualifications. He apologised for his previous conduct and explained the impact of the disqualification upon his life.

After hearing all of the evidence, the Committee retired to deliberate.

The Committee were advised that Waverley Borough Council's current (April 2021) Hackney Carriage and Private Hire Licensing policy states:

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

It was therefore agreed that the application for a Hackney Carriage / Private Hire Driver's Licence must be **REFUSED** on this occasion, as 7 years had not elapsed since the driving ban ended.

The Committee suggested that, if he wished to re-apply after November 2025, he should do so and provide at least one negative drug test result.

The decision was felt to be fair, reasonable, proportionate and in accordance with human rights and natural justice principles.

5. LEGAL ADVICE (Agenda item 5.)

Legal advice was sought during the Sub-Committee's deliberations.

The meeting commenced at 10.00 am and concluded at 10.31 am

Chairman