

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE (GENERAL PURPOSES) - 22  
JANUARY 2024

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING – 18  
MARCH 2024

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

**Present**

Cllr Jacquie Keen  
Cllr Jerome Davidson  
Cllr Maxine Gale

Cllr Michael Goodridge  
Cllr Michael Higgins

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

There were no apologies for absence, however, Cllr Maxine Gale had now replaced Cllr James Staunton on the Licensing General Purpose Committee and Cllr George Murray had stepped down from Licensing Committees as he was now a member of the Executive. Cllr Michael Higgins substituted for him until a new Vice Chair was elected.

19. DECLARATIONS OF INTEREST (Agenda item 2.)

There were no declarations of interest submitted for this meeting.

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

The Chair proposed the following motion:

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)

The Committee **AGREED**.

21. 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.

The driver explained that in 2016/17 he had received a letter from DVLA advising he had been caught by a speed camera driving over the speed limit of 50mph. He replied indicating that he was the driver. He then received a second letter, which he ignored, believing, incorrectly, it to be a duplicate.

The first letter was not received by the DVLA and as he didn't reply to the other letter (relating to the return journey), he received 3 points and 6 points for each leg of the journey a total of 18 points. When going to court he was not given a ban.

In January 2021 the driver explained he made a similar mistake just prior to his previous points being expunged from his licence. Due to Covid his hearing was not heard until September 2021 but due to 'totting up' (having already got 18 points) he received a 6 month ban and points.

The Committee considered carefully the information provided and heard the drivers explanation of events. After hearing all the evidence, the Committee retired for a short while to deliberate.

In conclusion the Committee felt that, taking into account the information set out within the papers, the evidence provided, and the answers supplied in response to their questions, that they were not satisfied, on the balance of probabilities, that he was a 'fit and proper person' to hold a Hackney Carriage/ Private Hire Licence at this time. The Committees paramount concern is the safety of Waverley residents using services and the fact that he had accrued a high number of points with repetitive offences of speeding was of great concern. Waverley's policy states drivers must wait three years from expiry of any ban before reapplying for a Hackney Carriage/Private Hire Licence. The Committee felt that no special circumstances had been evidenced for diverting from our policy. Therefore his application for a Hackney Carriage/Private Hire licence should be REFUSED.

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

22. LEGAL ADVICE (Agenda item 5.)

Legal advice was sought during the hearing and during deliberations.

**The meeting commenced at 10.00 am and concluded at 10.42 am**

**Chairman**