

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE (GENERAL PURPOSES) - 26  
FEBRUARY 2024

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING -  
<DATE>

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

**Present**

Cllr Jacquie Keen (Chair)  
Cllr Michael Goodridge

Cllr Michael Higgins

Cllr David Munro (Substitute)

Cllr John Robini (Substitute)

**Apologies**

Cllr Jerome Davidson and Cllr Maxine Gale

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

Apologies were received from Cllrs Jerome Davidson and Maxine Gale. Cllrs David Munro and John Robini substituted.

24. DECLARATIONS OF INTEREST (Agenda item 2.)

There were no declarations of interest submitted for this meeting.

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

The Chair took the meeting into exempt session after agreement of the following 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)

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

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

He acknowledged that he had been provided with a copy of the report in advance of the hearing.

The Committee noted that there was a difference of opinion in relation to the circumstances of the most recent complaint where he indicated the occupants were rowdy. The driver did not accept that he was travelling at speed in excess of the legal limit and indicated that he felt the occupant accompanying the children was drunk. In relation to the use of the mobile telephone, he advised that he did have a mobile in the vehicle but at no time did he text.

The driver accepted he was driving a vehicle which was not licensed at the relevant time and explained that you had done so as a favour to his friend as there were no other drivers available at the time but that no fare was received by him for this journey.

The Committee noted that the drivers solicitor (Hollingsworth Edwards) had indicated he had agreed to undertake a number of skills courses with the organisation, The Access Group. However the driver informed the committee he was unable to take these courses as he could not afford them. The Driver indicated he had undertaken an anger management course some 4 years previous but it was noted this had been prior to the incident in January 2022 where his licence had been previously revoked.

The Committee were disappointed that he had elected to drive the vehicle to collect a passenger, knowing that he was not licensed, which was a clear breach of the expectations and requirements upon drivers.

It was noted from the questioning and his responses in relation to the recent incident that he felt that the passenger was drunk and could therefore not be relied upon as a witness. However, the Committee felt that there was an unwillingness to accept and/or lack of understanding that the passenger may have been in fear or intimidated, as there were young children in the vehicle. When this was pointed out, the driver demonstrated a clear lack of empathy, and was not prepared to consider that experiences may differ. It was noted that he had not asked for any fare or receive any monies at the end of the journey and the passenger left the vehicle choosing to walk to their destination.

The Committee felt that his behaviour and conduct and the fact he was an unlicensed driver was highly unsatisfactory.

The Committee noted that the driver had been licensed since 2011 and had appeared before the Committee on several previous occasions. In 2013 he received a strict warning and in 2014 his licence was revoked, a decision which was upheld in the Magistrates Court and the Crown Court. It was noted that in 2016 he was granted a private hire licence, which was then converted to a hackney carriage licence in 2017, his licence had then been revoked a second time in 2022.

The Committee noted that there has been a total of ten separate complaints received since 2017.

It was noted from the evidence that whilst he expressed remorse at the committee appearance, he did not appear to accept the seriousness of the position and or that driving as a taxi driver whilst unlicensed placed him in breach of regulatory requirements.

The Committee felt that given the seriousness of the incident, it was appropriate to refuse the application for a Waverley driver licence and that this was necessary in the interests of public safety. This was necessary considering the facts of the serious recent incident and means that he would not be able to drive a licensed vehicle for hire or reward.

#### Decision

The Committee noted the drivers comments and responses to their questions but felt that at this time he was not a 'fit and proper' person to hold a taxi licence and heard no exceptional circumstances as to why it should deviate from its policy of not approving renewal of a licence for 3 years after revocation. It was therefore felt REFUSAL of your licence application was appropriate and necessary to protect the public – to ensure that a good safe and reliable service can be provided to the public by its licensed drivers.

#### 27. LEGAL ADVICE (Agenda item 5.)

Legal advice was sought throughout the committees deliberation.

**The meeting commenced at 10.00 am and concluded at 10.38 am**

**Chairman**