

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE (GENERAL PURPOSES) - 8 APRIL  
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 Higgins  
Cllr Jerome Davidson

Cllr Maxine Gale  
Cllr Michael Goodridge

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

There were no apologies for absence submitted for this meeting.

29. DECLARATIONS OF INTEREST (Agenda item 2.)

There were no declarations of interest submitted at this meeting.

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

The Chairman proposed the following recommendation to go into exempt session which was agreed :-

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)

31. 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 the driver explained the circumstances preceding the conviction explaining, that an altercation occurred in his shop between one of his delivery drivers and another driver which resulted in him trying to break up the fight and ultimately also getting involved. The driver explained he was in the wrong allowing his temper to take over but that it ultimately was out of character. He had been trying to calm the situation between his delivery driver employee and a member of public before this had escalated.

The driver was reminded that Waverley's policy stated that a driver should not be granted a Hackney Carriage/ Private Hire Licence until 10 years have passed from the completion of any sentence imposed for a conviction unless exceptional circumstances existed.

He explained that he had been living in the UK for 22 years and that despite being subjected to aggressive behaviour in his shop regularly, including late at night from those in drink, this was the first time he had allowed his emotions to take over. The driver assured the committee that he had learnt from this experience and would be more patient when subjected to aggressive behaviour and report to police rather than getting involved.

He confirmed that he had admitted the matter at the earliest opportunity at Court by entering a guilty plea, and expressed regret and remorse for his actions.

#### Decision

The decision of the Committee is to GRANT a Hackney Carriage/ Private Hire Licence. The Committee do not condone violence and by granting this licence are going against Waverley's policy on this occasion. They are satisfied that this meets truly exceptional circumstances and was out of character. The decision was made by majority vote and was not unanimous. The Committee advised that any future infringements, however minor, would be brought back to committee and could result in revocation of his licence.

32. LICENCING ACT 2003 - REVIEW OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE AND THEIR SUITABILITY TO HOLD SUCH A LICENCE FOLLOWING A NUMBER OF DRIVING CONVICTIONS. (Agenda item 5.)

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

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

The Committee noted that he admitted to carrying passengers during the offence on 2 October 2023 but that the previous two incidents he did not have passengers in his vehicle.

The Committee felt concerned that despite him having held a licence for a number of years that he was lowering his standards in recent years. The driver was

reminded that speeding was a serious issue and we all have to be aware of speed limits and as a professional driver he should be even more aware.

The drivers legal representative, who had accompanied him to the hearing, advised that the tyre defect was a split which had not been there when the vehicle had been inspected prior to driving and he had learnt from this mistake. He advised that being unaware of a defect meant he should not have been penalised for this, the driver explained that he checked his vehicle daily before each journey for reasons of his own and passenger safety.

#### Decision

The Committee felt that the drivers perception of safety was lacking as a professional driver. Page 61 of Waverley's policy states the following misdemeanours may invoke points on a Waverley driver Licence (numbering refers to the penalty point scheme).

- 5 – Failing to report an FPN – 4 points
- 49 – Defective Tyre – 3 points
- 56 – Points for decision of a committee – 3 Points

It is therefore the decision of the Committee to impose 10 penalty points to the drivers Waverley Licence and that should there be one more misdemeanour this will likely result in action, potentially revocation of his licence.

The driver was informed that the Committee could have revoked his licence but felt points were more appropriate so that he would be mindful of this when carrying out his role as a licensed driver.

#### 33. LEGAL ADVICE (Agenda item 6.)

Legal advise was sought throughout deliberation.

**The meeting commenced at 10.00 am and concluded at 11.32 am**

**Chairman**