

WAVERLEY BOROUGH COUNCIL

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

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

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

Present

Cllr Michael Higgins
Cllr Jacquie Keen (Chair)
Cllr Jerome Davidson

Cllr Maxine Gale
Cllr Michael Goodridge

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

There were no apologies for absence submitted for this meeting.

35. DECLARATIONS OF INTEREST (Agenda item 2.)

There were no declarations of interest submitted.

36. 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)

37. 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.

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

The Committee noted his explanations around the incidents that occurred in 2017 and his age at the time. The driver advised he had completed the BTEC course that was recommended at his hearing in Guildford.

The Committee also noted the driver currently had a licence with Woking BC as a Private Hire Taxi Driver and asked why he wished to also have a Hackney Carriage Licence with Waverley in addition. The Committee clarified that this would mean he would need two separate vehicles as the same vehicle could not be licenced on two plates. The driver acknowledged he was aware of this.

The Committee felt concerned about the number of incidents that occurred in a short space of time and that once he had received one caution he still continued to breach his licence conditions.

Decision

The Committee have deliberated the matter and have to respect the safety of our residents. It was felt he had not satisfied them that he was a fit and proper person to hold a Hackney Carriage Licence.

The committee had concerns regarding the number of issues across a short period of time and had taken into account his age at the time.

The Committee considered paragraph 3.4 of the report which outlines the words of Bingham (Lord Chief Justice) in *McCool v Rushcliffe BC* and feel the evidence provided did not satisfy them that he was suitable to drive a Hackney Carriage vehicle with Waverley but wished him luck with Woking BC.

Therefore the Committee **REFUSED** the application for a Hackney Carriage Taxi Licence.

38. LEGAL ADVICE (Agenda item 5.)

Legal advice was sought during deliberations.

The meeting commenced at 11.00 am and concluded at 11.36 am

Chairman