

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE  
19 MARCH 2015

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE  
16 JULY 2015

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

**Present**

Cllr Simon Inchbald (Chairman)  
Cllr Patricia Ellis (Vice Chairman)  
Cllr Maurice Byham

Cllr Tony Gordon-Smith  
Cllr Carole King

26 MINUTES (Agenda item 1)

The Minutes of the Meeting held on 29 January 2015 were confirmed and signed.

27 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 2)

There were no apologies for absence.

28 DECLARATIONS OF INTEREST (Agenda item 3)

Councillor Carole King declared an interest in Agenda Item 8, left the room during the discussion and did not participate in the debate.

**PART I - RECOMMENDATIONS TO THE COMMITTEE**

There were no matters falling within this category.

**PART II - MATTERS OF REPORT**

The background papers relating to the following items are as set out in the reports included in the original agenda papers.

29 APPLICATION FOR EXEMPTION FROM PRIVATE HIRE PLATE DISPLAY  
(Agenda item 5)

The Sub-Committee duly considered a request from Mr Steve Hurren for an application for a Private Hire Vehicle licence to be exempt from the requirement to display a private hire licence plate on any occasion when the vehicle, a Mercedes E350 Cdi Avantgarde Auto, was used for chauffeur purposes.

The Sub-Committee heard that Mr Hurren would be working with Westbury Cars offering a chauffeur driven private hire service and that he had corporate clients and senior personnel who wished to be driven in a car that did not display a licence plate.

Mr Hurren had supplied a letter from a client explaining that their clients required a degree of privacy and preferred to use a chauffeur type service. A letter had also been received from Mr Colin Gardner of Westbury Cars supporting the application.

Following questions by the Sub-Committee and responses from Mr Hurren the Sub-Committee WITHDREW at 10.25 am.

Following the Sub-Committee's deliberation the meeting RESUMED at 10.35 am. The Council's Legal Adviser had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

RESOLVED that, Mr Hurren be granted the request for exemption to display a private hire licence plate on any occasion when the vehicle is used for chauffeur purposes in respect of his vehicle, Private Hire Plate no. 321. The exemption only operates until further notice and the Council reserves the right to reconsider the exemption should circumstances arise which warrant doing so.

30 APPLICATION FOR EXEMPTION FROM PRIVATE HIRE PLATE DISPLAY  
(Agenda item 6)

The Sub-Committee duly considered a request for exemption for two vehicles from the requirement to display a private hire licence plate on any occasion when the vehicles are used for chauffeur purposes, as submitted by Ms Lumb.

The Sub-Committee heard that the applicant was seeking exemption for a new business concept called Driving Miss Daisy. The business offered a community companion service whereby clients can book the vehicle for shopping trips, medical appointments, afterschool activities and the like. They would be a pre-booked service and if required would stay with the customer and help with shopping or wait for an appointment to finish.

Members supported the business concept but were concerned that a car clearly offering a community service would not appear to be licenced and therefore would not have the security that was offered by a visible licence plate.

The applicant said that they had undertaken a lot of market research and had found out that the elderly in particular could be quite nervous of booking a taxi. All of their drivers would wear identity badges and the licence would be displayed inside the vehicle.

Members were still concerned over the lack of visible licence plates on the rear of the vehicles, but were somewhat reassured by the applicant agreeing to add a form of wording to their website and marketing literature that identified their vehicles as being licensed by their local authority.

Following further questions from the Sub-Committee and responses from the applicant the Sub-Committee WITHDREW at 11.22 am.

Following the Sub-Committee's deliberation the meeting RESUMED at 12.25 pm. The Council's Legal Adviser had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

RESOLVED that, in respect of each of the two vehicles, the details of which are to be provided to Mr Hughes, the Sub-Committee grants exemption from the requirement to display a private hire licence plate on any occasion when the vehicle is used for chauffeur purposes, the exemption only operates until further notice and the Council reserves the right to reconsider the exemption should circumstances arise which warrant doing so; and

1. the driver is wearing his/her Waverley licensed driver badge; and
2. above the contact number on the back of the vehicle the words "licensed vehicle" are displayed readable from a distance of 7 metres; and
3. the business website states that all vehicles are fully licensed with the relevant local authority; and
4. advertising flyers state licensed by "Waverley Borough Council."

31 EXCLUSION OF PRESS AND PUBLIC (Agenda item 7)

RESOLVED 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)

32 REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (Agenda item 8)

The applicant attended the meeting to be interviewed by the Sub-Committee and to present his case. The applicant confirmed that the agenda papers had been received and understood.

The applicant made a statement regarding the issues in the report which had led to his application being referred to the Sub-Committee.

Following questions by the Sub-Committee regarding the driver's convictions and his current employment and consideration of the driver's responses the Sub-Committee WITHDREW at 12.59.

Following the Sub-Committee's deliberation the meeting RESUMED at 13.59. The Council's Legal Adviser had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

RESOLVED that, for the reasons given in the [Exempt] Annexe to these minutes, the applicant was not a fit and proper to hold a driver's licence and his licence was revoked.

33 APPLICATION FOR PRIVATE HIRE DRIVER'S LICENCE (Agenda item 9)

The applicant attended the meeting to be interviewed by the Sub-Committee and to present his case. The applicant confirmed that the agenda papers had been received and understood. The applicant was accompanied by a relative.

The applicant made a statement regarding his reasons for the offences shown on his Disclosure and Barring Certificate and the applicant's relative gave supporting details.

Following questions by the Sub-Committee and responses from the driver the Sub-Committee WITHDREW at 14.32.

Following the Sub-Committee's deliberation the meeting RESUMED AT 15.08. The Council's Legal adviser had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

RESOLVED that, for the reasons given in the [Exempt] Annexe to these minutes, the applicant was a fit and proper person to hold a driver's licence and was granted a Private Hire driver's licence, subject to the satisfactory outcome of the test specified in the [Exempt] Annexe.

34 APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (Agenda item 10)

The applicant attended the meeting to be interviewed by the Sub-Committee and to present his case. The applicant confirmed that the agenda papers had been received and understood.

Following questions by the Sub-Committee about his previous driving history and responses from the driver, the Sub-Committee WITHDREW at 15.40.

Following the Sub-Committee's deliberation the meeting RESUMED at 16.50. The Council's Legal Adviser had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

RESOLVED that, for the reasons given in the [Exempt] Annexe to these minutes, the applicant was not a fit and proper to hold a driver's licence and the application was refused.

35 LEGAL ADVICE (Agenda item 11)

**The meeting commenced at 10.15 am and concluded at 4.53 pm**

**Chairman**