

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE - 6
NOVEMBER 2023

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 Jerome Davidson
Cllr Michael Goodridge

Cllr George Murray
Cllr James Staunton

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

There were no apologies for absence submitted for this meeting.

7. DECLARATIONS OF INTEREST (Agenda item 2.)

There were no declarations of interest submitted for this meeting.

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

The Chairman submitted the following motion 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)

9. 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.

In relation to the offence of Assisting unlawful immigration into EU member state the Committee noted the background to events and his explanation. It

was understood that he had been under pressure by his family to house his brother despite knowing his brother did not have the right to remain.

The Committee considered carefully the information provided and heard the driver's explanation of events which formed the basis of the trial as namely being unduly pressured by his family. The driver also explained that he had mistakenly not declared the conviction of speeding on the application as he thought he only had to declare something he had been arrested and charged with.

After hearing all the evidence, the Committee retired for a short while to deliberate.

The Committee accepted the driver's apology and appreciated his straightforward and open approach during the hearing of the matter. In conclusion the Committee felt that, taking into account the information set out within the papers, the evidence provided, the mitigating circumstances (namely the family pressures), the fact the offence took place 14 years ago and the conviction had been imposed nearly 10 years ago and the driver's good record of employment, that he was a fit and proper person to hold a Waverley driver licence, and that the application for a Hackney Carriage/Private Hire licence should be GRANTED.

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

10. LEGAL ADVICE (Agenda item 5.)

The meeting commenced at 10.00 am and concluded at 10.43 am

Chairman