

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE  
7 SEPTEMBER 2015

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING  
26 NOVEMBER 2015

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

**Present**

Cllr Simon Inchbald (Chairman)  
Cllr Patricia Ellis (Vice Chairman)  
Cllr Peter Isherwood

Cllr Anna James  
Cllr Bob Upton

19. MINUTES (Agenda item 1.)

The Minutes of the Meeting held on 23 July 2015 were confirmed and signed.

20. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 2.)

There were no apologies received.

21. DECLARATIONS OF INTEREST (Agenda item 3.)

There were no interests declared.

**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.

22. APPLICATION FOR A HACKNEY CARRIAGE VEHICLE LICENCE (REQUESTING EXEMPTION FROM VEHICLE AGE POLICY) (Agenda item 4.)

The Sub-Committee considered a request to grant a licence for a vehicle as a Hackney Carriage which was more than four years old, with the current Council policy requiring a vehicle being first licensed to be under four years old. The Council policy states that, once licensed, a vehicle may continue to be licensed up to the 10th anniversary of first registration. The vehicle, a Fiat Scudo had a date of first registration with the DVLA of 3 November 2008 which made it almost 6 years and 10 months old, which is outside the Council's policy for a newly-licensed vehicle. The vehicle had been purchased from another Waverley licensee and had the engine replaced. The vehicle had disabled access.

The owner of the vehicle, Mr Krzyszyof Siekaj, was unable to attend the meeting but was represented by the vehicle's previous owner, Mr Morrison. Mr Morrison confirmed that he had received a copy of the agenda and understood its content. Mr Morrison had owned the wheelchair accessible vehicle for 6 years and on purchasing a new vehicle had sold it to Mr Siekaj, who was aware it needed a new engine. Following the replacement engine the vehicle had passed the Waverley test and Mr Morrison considered it to be in good order. Mr Morrison told the Sub-Committee that he was the only licensed Hackney Carriage driver in Farnham with a wheelchair accessible vehicle and he had to turn down approximately six requests a week as he could not keep up with demand.

The Sub-Committee withdrew at 10.18 to make their decision and returned at 10.47. During their deliberations the Council's Solicitor was asked to advise the Sub-Committee on the wording of their decision.

The Sub-Committee considered there was a compelling reason to deviate from Policy due to the fact that the vehicle was wheelchair accessible and was previously licensed as a Hackney Carriage with this authority. The Sub-Committee will therefore grant Mr Siekay a Hackney Carriage licence for this vehicle subject to the following condition:

When conveying a passenger in a wheelchair, this vehicle is licensed to carry up to a maximum of four passengers, including the wheelchair passenger, the front passenger seat and the two offside rear passenger seats (one rear and one front facing). At all other times the vehicle is licensed to carry a maximum of seven passengers.

The Sub-Committee wished to make it clear that were it not for this exceptional factor the application would have been refused.

23. EXCLUSION OF PRESS AND PUBLIC (Agenda item 5.)

RESOLVED that, pursuant to Procedure Rule 20 and in accordance with Section 100B(5) 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, namely:-

Information relating to any individual (paragraph1)

24. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (REQUESTING EXEMPTION FROM THE DVLA GROUP 2 MEDICAL REQUIREMENT) (Agenda item 6.)

The Sub-Committee considered a report for a new application for a hackney carriage/private hire driver's licence where the applicant did not satisfactorily meet the Council's medical requirements and had requested exemption from the DVLA Group 2 medical requirement in accordance with the Council's Hackney Carriage/Private Hire policy.

The Council's Solicitor advised the Sub-Committee that due to a printing error the Equality and Diversity Implications had been omitted from the agenda paper. Full details are attached in the (Exempt) Annexe.

Following questions by the Sub-Committee and responses from the applicant, the Sub-Committee withdrew at 11.30.

Following the Sub-Committee's deliberation the meeting resumed at 12.16. The Council's Solicitor had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

RESOLVED that on the balance of probabilities, the applicant was not a fit and proper person to hold a Hackney Carriage/Private Hire driver's licence and regretfully decided not to deviate from Policy and his application was refused for the reasons set out in the (Exempt) Annexe to these minutes.

25. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (REQUESTING EXEMPTION FROM THE DVLA GROUP 2 MEDICAL REQUIREMENT) (Agenda item 7.)

The Sub-Committee considered a report for a new application for a hackney carriage/private hire driver's licence where the Council had previously revoked the applicant's licence as he did not satisfactorily meet the Council's medical requirements that drivers must have a medical fitness meeting the DVLA Group 2 Standard.

Following questions by the Sub-Committee and responses from the applicant, the Sub-Committee withdrew at 12.37.

Following the Sub-Committee's deliberation the meeting resumed at 13.15. The Council's Solicitor had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

RESOLVED that on the balance of probabilities, the applicant was not a fit and proper person to hold a hackney carriage/private hire driver's licence and his application was refused for the reasons set out in the (Exempt) Annexe to these minutes.

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

The Sub-Committee considered a report where an existing hackney carriage/private hire driver had existing motoring offences (speeding) and his DVLA driver's licence showed the current unexpired total of nine points. The Council's Policy states that any existing licence holder who had nine penalty points for a single offence on his driving licence would be expected to go before the Sub-Committee to explain their offences.

The driver attended the meeting and confirmed that he had received and had understood the agenda papers.

Following questions by the Sub-Committee and responses from the applicant the Sub-Committee withdrew at 13.56.

Following the Sub-Committee's deliberation the meeting resumed at 14.39. The Council's Solicitor had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

RESOLVED that, on the balance of probabilities, the driver was considered to be a fit and proper person to hold a hackney carriage/private hire driver's licence and no action be taken for the reasons set out in the (Exempt) Annexe. The decision came with a very strict warning that should the driver appear before the Sub-Committee for any reason in the future, the matters might be taken into account and could lead to the revocation of his licence.

27. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (Agenda item 9.)

The Sub-Committee considered a report for a new hackney carriage/private hire driver's licence where the applicant's DVLA driver's licence had disclosed a motoring endorsement concerning disqualification. Unspent driving offences also needed to be taken into account.

The applicant attended the meeting and confirmed he had received and understood the report.

Following questions by the Sub-Committee and responses from the applicant the Sub-Committee withdrew at 15.13.

Following the Sub-Committee's deliberation the meeting resumed at 15.54. The Council's Solicitor had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

RESOLVED that on the balance of probabilities the Sub-Committee did not consider the applicant to be a fit and proper person to hold a hackney carriage/private hire driver's licence and decided not to grant the applicant a licence for the reasons set out in the (Exempt) Annexe to the minutes.

**The meeting commenced at 10.00 am and concluded at 3.56 pm**

**Chairman**