

MINUTES
OF A MEETING OF THE
TAXI LICENSING SUB COMMITTEE

held on 19 July 2021

Present:

Cllr R N Leach (Chairman)
Cllr D Harlow (Vice-Chair)

Cllr M Ali Cllr J Brown
Cllr M A Bridgeman Cllr K Howard

1. ELECTION OF CHAIRMAN

RESOLVED

Councillor Rob Leach was elected Chairman of the Sub-Committee for the remainder of the Municipal Year.

2. ELECTION OF VICE-CHAIRMAN

RESOLVED

Councillor Debbie Harlow was appointed Vice-Chairman of the Sub-Committee for the remainder of the Municipal Year.

3. MINUTES

RESOLVED

That the minutes of the Sub-Committee held on 26 September 2016 be approved and signed as a true and correct record.

4. DECLARATIONS OF INTEREST

No Declarations of Interest were received.

5. URGENT BUSINESS

There were no items of Urgent Business.

6. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting during consideration of minutes 7 to 9 in view of the nature of the proceedings that, if members of the press and public were present during these items, there would be disclosure to

them of exempt information as defined in paragraph 4 of Part 1 of Schedule 12A, to the Local Government Act 1972.

7. REPORT BY OFFICERS

The Sub-Committee received a report which requested that a decision be made as to whether Mr Z should continue to be permitted to hold a Hackney Carriage Licence, under the Local Government (Miscellaneous Provisions) Act 1976, following an incident whereupon Mr Z was discovered by Surrey Police with cannabis in his licenced vehicle.

Mr Z attended the meeting together with his wife, Mrs Z. Also attending was Lesley Sumners from Surrey Police, alongside the Borough Council Senior Licensing Officer and the Solicitor.

All parties present had a copy of the Licensing Committee's agreed procedure to be followed at Taxi Licensing Sub-Committee hearings. The Chairman introduced the Sub-Committee to those present and explained the procedure and order of speaking that would be followed during the hearing.

The Licensing Authority's representative outlined the report before the Sub-Committee. In December 2020, the Council was contacted by Surrey Police and advised that in November 2018 Mr Z had been found in possession of cannabis in his vehicle and had been issued with a formal drugs warning. The Council's Criminal Convictions Policy covered the use of illegal drugs and warranted the matter being brought to the Sub-Committee. There had been a couple of previous incidents which were included in the report, including operating the vehicle without operator door signs in January 2020.

The Chairman gave Mr and Mrs Z the opportunity to ask questions of Mr Cobb and Ms Sumners. Mrs Z asked for clarification based on the assertions that Mr Z had been standing outside the vehicle; no cannabis had been found in the vehicle; and no written warning had been issued by the Police. Ms Sumners stated that she was unable to clarify those points. Mr Cobb referred the Sub-Committee to Appendix 1 of the report which set out the information received by Surrey Police.

The Chairman gave Members of the Sub-Committee the opportunity to ask questions of Mr Cobb. Following a question by Cllr Harlow, it was noted that a vehicle was licenced on a 24/7 basis and could only be driven by someone who held insurance, permission and a Hackney Carriage or Private Hire driver's badge. It was noted that if Mr Z had been taking illegal drugs that evening, it would raise the question over who would be driving the vehicle back to the property. The Criminal Convictions Policy was checked and it was stated that a conviction for illegal drug taking would not be condoned, and that the word 'conviction' included cautions, warnings and reprimands.

The Chairman gave Mr and Mrs Z the opportunity to address the Sub-Committee. Mrs Z advised that her husband had been outside the vehicle when stopped by Police Officers walking past and that he had not intended to be driving the vehicle that evening as he was meeting friends, with the subsequent two days free of work. She stated that no cannabis had been found in the car and, if it had, the Council would have been notified by the Police straight away. She added that Mr Z had received less work during the pandemic and had smoked cannabis to attempt to reduce the stress, but no longer smoked the drug. She advised that references could be provided from parents whose children he had been taking and collecting to school over the past few years through his contract with Surrey County Council.

Mr Cobb stated that he had no questions for Mr Z.

Following question by Members of the Sub-Committee, Mrs Z stated that no written warning or caution had been received from Surrey Police; her husband had learnt his lesson from the past incidents, including those more minor ones in 2018 and 2019; and the issue of not displaying door signs had been a mistake as the velcro had fallen off the doors. In addition, Mrs Z read the full version of the redacted email attached as Appendix 3 to the report for the Sub-Committee's information.

The Chairman gave those parties present the opportunity to make closing statements.

Mr Cobb advised that the Sub-Committee had heard the information provided by Surrey Police and Mr Z, and would need to consider whether the taxi driver was a fit and proper person to hold a driver's badge.

Mrs Z stated that Mr Z apologised for the mistakes he had made and felt that his profession was very important to him. He had learnt from the mistakes and had respect for the taxi licensing rules he was bound by. She stated that he had not been working the night of the cannabis incident and no formal warning had been issued by the Police. She advised that he had not received any negative feedback from his customers and had been under a great deal of pressure during the pandemic as work had been slow. She added that he was requesting another chance and urged the Sub-Committee not to revoke his licence.

The Chairman adjourned the hearing for deliberation at 7.40pm, later requesting that the Council's Solicitor, Amanda Francis, join them. The Sub-Committee reconvened at 8.10pm.

The Chairman reported that the Sub-Committee had taken account of the written representations before it and the oral statements made at the hearing. It had been agreed that the Driver's Badge held by Mr Z should not be revoked, subject to a condition that Mr Z agree to random drug testing for a period of two years, and that the matter be referred back to the Sub-Committee either if the condition was not complied with or if a drugs test was failed.

RESOLVED

That the Driver's Badge held by Mr Z would not be revoked provided Mr Z undertook random drug testing for a period of two years and any failure to carry out the testing, or fail the test, would result in his case being reconsidered for revocation by the Taxi Licensing Sub-Committee.

8. ADJOURNMENT

The Chairman adjourned the meeting at 8.15pm and reconvened the meeting at 8.20pm.

9. REPORT BY OFFICERS

The Sub-Committee received a report which requested that a decision be made as to whether Mr D should continue to be permitted to hold a Hackney Carriage Licence, under the Local Government (Miscellaneous Provisions) Act 1976, following the accrual of in excess of 12 Penalty Points under the Council's Penalty Points Scheme. Mr D attended the meeting.

All parties present had a copy of the Licensing Committee's agreed procedure to be followed at Taxi Licensing Sub-Committee hearings. The Chairman introduced the Sub-Committee to those present and explained the procedure and order of speaking that would be followed during the hearing.

The Licensing Authority's representative outlined the report before the Sub-Committee. Mr D had held a Driver's Badge since at least 2002 (the earliest date for which records were held). In March 2021, it had come to light that Mr D was residing at an address in Birmingham whilst the registered address for his Driver's Badge was in Woking, as confirmed by Mr D to the Licensing Authority in January 2021. Mr D had stated that he owned a property in Birmingham, however he would stay with his mother whilst working as a taxi driver in the Borough. Between 2016 and 2020 there were thirty documents which had stated that his address was in Woking.

Following liaison with the Council's Revenues and Benefits team it was established that the property in Woking was in receipt of the 25% Single Person's discount. On 4 March 2020, Mr D advised the Licensing Authority that he resided in Woking and rented out the property in Birmingham. Following the removal of the Single Person's discount by Revenues and Benefits, the backdating of which to 2015 had caused hardship for his mother, further communication was received from Mr D on 28 April 2021 which stated that he was living in Birmingham and staying with his mother in Woking when working within the Borough. As a result, the Licensing Authority felt that there was no option other than referring the matter to the Taxi Licensing Sub-Committee for consideration of revocation. It was added that there had been no other issues of concern regarding Mr D's suitability to be a taxi driver.

Mr D stated that he had no questions for the Licensing Authority's representative.

Following questions by Members of the Sub-Committee, it was noted that the change of address notification had now been received; taxi drivers had a responsibility to be aware of Council policy; Appendix 3 to the report contained operator logs between January and March 2020 to show that Mr D had been driving during that period; and that previous licence applicants have had their licences refused or revoked when false or fraudulent information had been provided.

The Chairman gave Mr D the opportunity to address the Sub-Committee. Mr D stated that he had been a taxi driver for 27 years and had received no complaints during that time. He stated that he only undertook special needs and school trips, and had not collected a customer from the station taxi rank for 20 years. He stated that he had been through a difficult divorce which had affected him greatly, and had given half of his company to a colleague who operated it on his behalf. As he could no longer afford a house in Woking, he had moved to Birmingham and resided with his mother in Woking for 2-3 days a week. He advised that he was under the impression all taxi drivers had to live within the Borough. He stated that he did not defend his actions, adding that he was a fit and proper person to hold a Driver's Badge. His company employed 22 local taxi drivers and it was useful for him to hold a licence so that he could help ensure the requirements of the contract with Surrey County Council were met.

The Licensing Authority's representative clarified that it was currently the case that taxi drivers did not have to reside within the Borough, however the Council's records did not go back far enough to confirm the situation 27 years ago.

Following questions by Members of the Sub-Committee, Mr D stated that due to the difficult time he faced around his divorce other documentation in his personal life had not been

updated either; and that he had been staying at his mother's property for a couple of nights a week for five or six years.

The Chairman gave those parties present the opportunity to make closing statements.

Mr Cobb advised that the Sub-Committee had heard the information provided by Mr D and stated that the Licensing Authority had previously permitted a postal address to be used in the event of hardship. He reminded the Sub-Committee that other applicants had had their licence refused or revoked for providing false or fraudulent information.

Mr D thanked the Sub-Committee for listening to the evidence he had provided and stated that sometimes difficult circumstances did not make life straightforward. He emphasised that his licence was solely used as a back-up if needed to assist the company he was a half-shareholder of.

The Chairman adjourned the hearing for deliberation at 8.55pm, later requesting that the Council's Solicitor, Amanda Francis, join them. The Sub-Committee reconvened at 9.15pm.

The Chairman reported that the Sub-Committee had taken account of the written representations before it, the oral statements made at the hearing, the Council's Penalty Points Scheme and National Guidance. the facts set out in the report, along with evidence received at the hearing and from Mr D. It had been agreed that the Driver's Badge held by Mr D should be revoked due to false information being provided on the application form.

RESOLVED

That the Driver's Badge held by Mr D would be revoked due to false information being provided on the application form.

The meeting commenced at 7.00 pm
and ended at 9.20 pm

Chairman: _____

Date: _____