

MINUTES
OF A MEETING OF THE
TAXI LICENSING SUB COMMITTEE

held on 19 April 2023

Present:

Cllr J Morley (Chairman)
Cllr S Dorsett (Vice-Chair)

Cllr A Caulfield Cllr T Spenser
Cllr G W Elson

1. ELECTION OF CHAIRMAN

It was noted that at the previous meeting held on 3 October 2022, Councillor John Morley had been elected Chairman for the remainder of the Municipal Year.

2. ELECTION OF VICE-CHAIRMAN

Councillor Steve Dorsett was elected 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 3 October 2022 be approved and signed as a true and correct record.

4. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

5. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting during consideration of minute 6 in view of the nature of the proceedings that, if members of the press and public were present during this item, there would be disclosure to them of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A, to the Local Government Act 1972.

6. REPORT BY OFFICERS

The Sub-Committee received a report which requested that a decision be made as to whether Mr M was "fit and proper" to hold a Taxi or Private Hire Licence in line with the Local Government (Miscellaneous Provisions) Act 1976, following an application for a

Private Hire Driver's Licence referred to the Sub-Committee in light of previous case history. Mr M attended the meeting in person with his son, along with Mr Antony Schiller, the legal representative, via video link.

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, Matthew Cobb, stated that the Council was tasked with ascertaining whether drivers were 'fit and proper' to ensure the safety of the travelling public. The Sub-Committee was advised that the case history for Mr M, who had previously held a taxi licence in Woking, included two suspensions for not taking tests within the deadline required by the Licensing Authority, which were later completed. There were also concerns over whether Mr M had been residing at the address in Woking that he had declared on several occasions or was abroad, noting that information had been provided to show his passport had become lost as part of the renewal process with the Passport Office; and that Mr M had stated that back pain had prevented him from working from late 2018, however the Licensing Authority in Woking had not been advised.

The Chairman gave Mr M, his legal representative and Sub-Committee members the opportunity to ask questions of the Licensing Authority's representative. Questions were asked and replies were given.

The Chairman gave Mr M and his legal representative the opportunity to address the Sub-Committee. Mr Schiller set out the case for Mr M and highlighted that no complaints had been received from the travelling public; the DBS Certificate and DVLA record showed no interests of concern; a medical would be required for the new licence requested; Mr M had travelled abroad on a number of occasions to care a family member; he had lived in the UK with a family member for many years with no tenancy agreements; the suspensions had taken place several years ago; and Mr M now understood that it was a requirement to keep the Licensing Authority up to date with his address. A letter from Mr M's operator was provided setting out a short reference. Mr Schiller urged the Sub-Committee to consider Mr M as a fit and proper person to hold a Private Hire Driver's Licence.

Questions were asked of Mr M and his legal representative and replies were given, including regarding his residence address history.

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

Mr Cobb asked the Sub-Committee to consider whether Mr M was a fit and proper person to hold a licence, taking into account the evidence put forward and the requirement to protect the travelling public.

Mr Schiller stated that the application should be treated as new and despite no evidence of address history being available; Mr M now had some stability for his residential address; and no complaints had been received from members of the travelling public. Mr Schiller urged the Sub-Committee to grant the licence and provide a warning in relation to future conduct, including a referral back to the Sub-Committee if required.

The Chairman adjourned the hearing for deliberation at 8.40pm, later requesting that the Council's Solicitor, Amanda Francis, join them. The Sub-Committee reconvened at 9.05pm.

The Chairman reported that the Sub-Committee had taken account the written representations before it, the oral statements made at the hearing, section 51 of the Local Government (Miscellaneous Provisions) Act 1976, and the Council's Hackney Carriage and Private Hire Licensing Handbook. Serious consideration had been given and it was correct that the matter had been referred to the Sub-Committee. The Sub-Committee had resolved to approve the application for a Private Hire Driver's Licence. The Chairman stated that the Sub-Committee was satisfied over the address history and, on the balance of probability, considered Mr M as a fit and property person to a hold a licence having heard in detail from him and his representative.

RESOLVED

That the Private Hire Driver's Licence application received from Mr M be approved.

The meeting commenced at 7.00 pm
and ended at 9.10 pm

Chairman: _____

Date: _____