

MINUTES
OF A MEETING OF THE
TAXI LICENSING SUB COMMITTEE

held on 3 October 2024

Present:

Cllr R Leach (Chairman)
Cllr S Howes (Vice-Chair)
Cllr P Graves Cllr P Pandher
Cllr T Spenser

Apologies for absence: Councillor M Kuipers

1. MINUTES

RESOLVED

That the minutes of the Sub-Committee held on 15 July 2024 be approved and signed as a true and correct record.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3. URGENT BUSINESS

There were no items of Urgent Business.

4. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting during consideration of item 5 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 3 of Part 1 of Schedule 12A, to the Local Government Act 1972.

5. REPORT BY OFFICERS

The Sub-Committee received a report which requested that a decision be made to review an Operator's Licence and consider whether Mr A was 'fit and proper' to hold a Hackney Carriage Licence in line with the Local Government (Miscellaneous Provisions) Act 1976, following disclosure being received under Common Law Police Disclosure by Surrey Police on 7 August 2024. The driver's badge held by Mr A had been revoked in March 2024 for an offence relating to an illegal drug.

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, Laura McCulloch, 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 Operator had been licensed as a Private Hire Operator since at least March 2004 and compliance during that time had been mostly satisfactory, other than a formal warning letter being issued in 2018 relating to the submission of renewal paperwork, at which time inaccurate booking logs had been provided. No complaints had been received against the Operator or Mr A. A table had been included in the report which set out a timeline of events, including reference to a failed drug test in March 2024 and a further drug test in July 2024 with results awaited, alongside two common law assaults which had not yet been determined by the Magistrate's Court. Mr A had contacted the licensing department on 27 June 2024 requesting the reinstatement of his licence.

An addendum to the report stated that Surrey Police had advised that the results of the blood test from July 2024 had shown that whilst there had been traces of an illegal drug in the sample provided, it did not exceed the specified limit so there would be no further Police action in relation to this matter.

Following a question by the Sub-Committee, it was confirmed that Mr A's licence had been revoked in March 2024, however the Operator's licence had remained valid.

The Chairman gave Mr A the opportunity to address the Sub-Committee. Mr A stated there had been a number of personal issues affecting him and alleged that a family member had been acting against him, alongside Surrey Police issuing a compensatory refund to him. He highlighted that each investigation from the Police had seemed to end with no further action and stated that the outstanding matters regarding common law assault would be the same. He stated that he had received no penalty points from the licensing department and was not a drug addict or an alcoholic. He stated that he was trying to earn a living and requested that the Sub-Committee return the licence to him.

Questions were asked of Mr A and replies were given, relating to the timeline of events.

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

Laura McCulloch stated that whilst there had been no conviction against Mr A, the Sub-Committee should not grant the licence if it was felt that he was not a fit and proper person to hold a driver's badge in light of the matters highlighted by Surrey Police.

Mr A stated that he had never been violent towards members of the public and had not taken illegal drugs, and that he had received bad luck over the past months.

The Chairman adjourned the hearing for deliberation at 7.30pm, later requesting that the Council's Solicitor, Amanda Francis, join them. The Sub-Committee reconvened at 8.15pm.

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, the Council's Hackney Carriage and Private Hire Licensing Handbook, s182 statutory guidance and sections 55 and 62 of the Local Government (Miscellaneous Provisions) Act 1976 relating to the application of the 'fit and proper person' test and other considerations of character. The Solicitor had been

requested to join the Sub-Committee to provide legal advice after the decision had been made and had taken no role in the making of the decision. It was stated that the Sub-Committee had considered all the facts but was not persuaded that the operator was currently fit and proper, and the Operator's licence should therefore be revoked, because of the recent behaviour as reported by Surrey Police.

The Sub Committee was concerned about the issue highlighted by the Police relating to driving a vehicle whilst under the influence of drugs. In addition, it was aware of a pending prosecution relating to a common assault. This pattern of behaviour as provided was stated to be of great concern. Whilst we Sub-Committee had listened to the explanation provided, it had to consider the licensing objectives and it was believed that the safety of the travelling public was being undermined. On that basis the decision of the Sub-Committee was to revoke the Operator's licence. There was the right of appeal to the Magistrates Court within 21 days.

RESOLVED

That the Operator's Licence be revoked.

The meeting commenced at 7.00 pm
and ended at 8.20 pm

Chairman: _____

Date: _____