

MINUTES OF THE LICENSING SUB-COMMITTEE

30 NOVEMBER 2010 AT 1.30 P.M.

Present:

Councillor R.W. Sider (Chairman)

Councillors:

M.T. Royer

C.V. Strong

348/10 EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100a(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in the paragraph of part 1 of schedule 12a of the Act indicated below.

349/10 TO DETERMINE WHETHER MR I. SARDAR IS A FIT AND PROPER PERSON TO RETAIN A HACKNEY CARRIAGE DRIVER LICENCE

The Chairman introduced Members and Officers present and welcomed Mr Sardar and his interpreter, Mr Khalid, to the meeting and asked if he would be represented and/or calling any witnesses. Mr Sardar stated that he would represent himself.

The meeting then proceeded in accordance with the procedure which accompanied the Agenda for the meeting.

The Environmental Health Manager (Commercial) presented the report of the Head of Environmental Health and Building Control Services and outlined the matter before the Sub-Committee. The purpose of the hearing was to determine whether Mr Sardar was a fit and proper person to retain a Hackney Carriage driver licence.

He had been licensed as a hackney carriage driver since 7 August 2008. Previously, he had been a licensed private hire driver since 7 February 2007.

The Council had received persistent complaints from local businesses and residents about a high concentration of hackney carriage vehicles in the vicinity of the Gresham Road taxi rank at peak as well as quiet times. These complaints had not only related to contraventions of Spelthorne's hackney carriage byelaws, but also potential road safety concerns and contraventions of local parking restrictions. The Council had consulted Surrey County Council (Highways Authority) and Surrey Police in respect of these issues and a statement from Surrey Police's Spelthorne Casualty Reduction Officer was submitted.

This had led to Council officers observing the Taxi Stand outside Staines Station and to take enforcement action where necessary.

Spelthorne Byelaw 7(b) required that hackney carriage drivers proceed to another stand if the stand was occupied by the full number of carriages.

Mr. Sardar previously attended a formal interview under the Police and Criminal Evidence Act 1984 on 21 May 2009, following previous breaches of Spelthorne's byelaws at the Gresham Road rank. He had since been observed on seven separate dates parked outside the markings of the rank and had subsequently received six further written warnings.

Accordingly the matter was referred to this Licensing Sub-Committee.

Having heard the evidence presented by the officers, the Chairman provided some time for Mr Sardar to provide an explanation for the incidents to the interpreter, Mr Khalid, who then presented this information to the Committee. Mr Sardar admitted he was at the locations on the dates and times mentioned in the report and that without a feeder rank he did not know where else he was expected to wait. He stated that he did not dispute the evidence of the Council Officers.

The Sub-Committee then adjourned to consider its decision. Upon reconvening the Chairman gave the summary decision of the Sub-Committee:-

"This Sub-Committee considered all of the evidence, which included the following:-

- The contents of the Report of the Head of Environmental Health & Building Control
- The witness statements of the Council officers
- Representations by the Council officers at this hearing
- Representations and responses from Iftikhar Sardar

This Sub-Committee has considered the background information provided in the Report.

The key issues in this matter are:

- Breaches of Spelthorne's hackney carriage byelaws
- Potential road safety concerns
- Contraventions of parking restrictions

Mr Sardar has been observed on seven separate dates:-

- 23 June 2010
- 11 July 2010
- 29 July 2010
- 3 August 2010
- 6 August 2010
- 11 August 2010

- 15 September 2010

The Sub-Committee is persuaded by the evidence presented by the Council's Licensing department that Mr Sardar had knowingly or recklessly failed to comply with the Spelthorne Byelaws made under the provisions of the Act of 1847.

The view of the Sub-Committee is that Mr Sardar has fallen below the standards it expects for a fit and proper person to be a Hackney Carriage driver in the borough of Spelthorne.

A period of suspension at the least is something which sends a strong message to both licensed drivers and the public about the standards required. Hackney Carriage drivers are expected to be persons of integrity, trust and to work within the relevant laws and regulations.

A suspension should also serve as a warning to Mr Sardar as to his future conduct.

The Sub-Committee has therefore decided to suspend Mr Sardar's licence for a period of 21 days."

RESOLVED that the Licence issued to Mr Iftikhar Sardar to drive a Hackney Carriage be suspended for a period of 21 days on the grounds and for the reasons set out in the full decision notice to be provided within fourteen days of this Sub-Committee.