

Runnymede Borough Council

Regulatory Committee

Wednesday, 12 July 2023 at 2.30 pm

Members of the Committee present: Councillors M Harnden (Vice-Chairman in the Chair), R Davies and J Wilson.

Members of the Committee absent: Councillor D Clarke.

**7 Declarations of Interest**

There were no Declarations of Interest.

**8 Procedure for the Conduct of business**

The procedure for the conduct of the meeting was noted.

**9 Exclusion of Press and Public**

By resolution of the Committee, for the reasons set out in the agenda, the press and public were excluded from the remainder of the meeting during the consideration of the remaining matters under Section 100A (4) of the Local Government Act 1972 on the grounds that the discussion would be likely to involve the disclosure of exempt information as set out in Schedule 12a to part 1 of the Act.

**10 Hackney Carriage Drivers Licence**

The Committee considered an exempt report under paragraphs 1, 2, 3 and 7 of Part1 of Schedule 12a of the Local Government Act 1972.

The Vice-Chairman in the Chair for this meeting introduced those present to the Hackney Carriage Driver ('X') and ensured that they were comfortable with the procedure to be followed for the conduct of business.

The driver was assured that no time limits would be placed on any parties present in order to give everyone a full opportunity to present their case, ask and address any questions arising.

The driver confirmed they had read and received the papers for the meeting and had chosen not to be represented or accompanied by another person.

The Senior Licensing Officer was asked to provide a presentation of the papers under discussion.

The facts of the case were outlined, the Committee having confirmed prior receipt of the agenda papers, in accordance with the statutory requirements.

The Senior Licensing Officer referred to an alleged incident with a passenger in March 2023. The matter had been raised by the passenger's family with Surrey County Council and Surrey Police. Surrey County Council had suspended Driver 'X' from school runs and carried out an investigation. The Driver provided a short statement taken by the Operator for whom they worked.

The conclusion was that the allegation made by the passenger was unsubstantiated and there was insufficient evidence to either prove or disprove it. The driver remained suspended from school runs.

Surrey Police had carried out an in depth investigation and had concluded that the evidence available did not meet the evidential threshold for referral to the Crown Prosecution Service, no charges were made and the case was closed.

When advised of the case, the Senior Licensing Officer also conducted an interview under caution. Driver 'X's account provided in June was very similar to that which was taken by the Police in March. When questioned, Driver 'X' disputed the statement provided by the Operator.

Driver 'X' had been co-operative throughout the process.

The Committee's attention was drawn to the legislative framework and relevant guidance in order to consider whether Driver X was a fit and proper person to hold a Hackney Carriage driver's licence in Runnymede.

Driver 'X' was invited to give their version of events which was duly noted. Driver 'X' confirmed that the passenger normally sat in the back seat but had recently taken to sitting in the front which was when their disruptive behaviour had caused a problem, such that on several occasions the driver had to ask the passenger not to create a risk to the safety of all the occupants of the vehicle. The passenger had also made physical contact with the driver's head which was causing a distraction.

Driver 'X' was asked specifically if they had read the Operator's statement before signing it. The driver stated that English was not their first language and whilst they could read English they did not always understand what the words meant. The driver was nervous and had signed the statement, trusting that it was correct. When it was explained to them later on what had been written, the driver asserted their innocence and considered that the Operator had unfortunately misinterpreted what they said about the alleged incident. The driver had been advised to apologise and that would be an end to the matter. Therefore, Driver 'X' was shocked to receive an email suspending him from school runs.

The Senior Licensing Officer made a closing statement in which he reminded the Committee that the allegations were unsubstantiated and no charges had been brought. He also advised that for school run contracts only whether passengers were allowed to sit in the front of a Hackney Carriage was a matter for Surrey County Council if they had such a policy for this.

Driver 'X' also made a closing statement in which they re-iterated their innocence; their love for the job and the negative effect the allegation and subsequent suspension had had on them and their family. The Committee was also directed to the references made by other customers which had been previously circulated on the supplementary agenda accompanying the main agenda papers. The fact that the Police had closed the case was also emphasised. The driver stated they would agree with whatever decision the Committee made.

The Committee retired at 15:05 and returned at 15:44.

The Vice-Chairman in the Chair stated that after very careful consideration of all the available evidence they did not consider there was sufficient evidence to suspend or revoke the driver's licence. However, a record would be kept which could be relevant should anything else be reported.

The driver's hitherto good record was remarked on. The driver was advised that in future

and for their own protection, it might be best not to carry passengers in the front seat to avoid any further issues.

Driver 'X' thanked the Committee for their decision.

It was the Council's aim that Driver 'X' would receive the formal Decision Notice within 5 working days of the meeting, a copy of which would be notified to Surrey County Council (who would be asked to inform the parents) and Surrey Police.

(The meeting ended at 3.45 pm.)

Chairman