

Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous Minutes

Meeting date: 5 August 2026

Meeting time: 6.00 pm - 6.40 pm

In attendance:

Councillors:

Angie Boyes, Cathy Dearden, Karen Priest, Julie Sankey and Simon Wheeler

Also in attendance:

Vikki Fennell (Senior Lawyer, One Legal)

1 Apologies

There were none.

2 Declarations of Interest

There were none.

3 Local Government Act 1972

The Chair read the following statement:

That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 1 and 2, Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 1; Information relating to any individual

Paragraph 2; Information which is likely to reveal the identity of an individual

Member voted unanimously to enter exempt session.

4 Review of Hackney Carriage Drivers Licence

The Senior Licensing Officer introduced the report, during which he explained that the driver was not able to attend the committee as he had to return to his home country at short notice as his brother had been taken ill. He gave the Members the option to consider and adjournment in the driver absence.

Members were then given the opportunity to ask the officer questions, the responses are as follows:

- There was no spare tyre in the vehicle, this is not compulsory.
- It would be hard to say that if the driver attended the committee if he would be a reliable witness.
- Car tyres should last between 3 and 5 years depending on how the car is being driven.

The matter went into debate, the debate covered whether the matter should be adjourned or still be heard. The issues raised in the debate were as follows:

- The driver has had 3 strikes and a driver interview, he also signed a statement to confirm that he would regularly inspect his tyres.
- When the driver attended the committee previously he was not particularly communicative with the committee, therefore it was thought that it wouldn't be any different if he attended the committee.
- He does drive school children and the examination of the vehicle was organised with the Integrated Transport Unit and the operator.
- He is not driving school children at the moment – those contracts do not start until 1st September.
- The Legal Officer confirmed that the licence could not be suspended just because the driver was not present at the committee.
- The driver has been before the committee before, he obviously hasn't been checking his tyres as the core being exposed is really serious.
- The situation with the tyre is very serious, would you want someone that you care about to be in a car with a tyre in that condition.

After the debate the Chair asked for the vote onto whether to adjourn the hearing until the driver could be present, the vote was unanimously against an adjournment. The Legal Officer stated that further debate was not necessary, unless there were further points to be raised. The committee were also advised that if the committee were looking to suspend the licence then the case would need to be adjourned.

The decision that the committee made was as follows:

The Sub-committee decided to hear the matter in the absence of the driver given that he was only last before the Committee in March this year whereby he was given a written warning for the accumulation of three strikes for various issues and attended a driver interview to ensure he understood his responsibilities as a licensed driver and this new incident occurred just two months later.

The Committee further decided that given the severity of the matter, the fact he drives school children, the issue of public safety and that adjourning would not lead to any other outcome, the hearing should proceed.

The Sub-Committee had due regard to Sections 51 and 61 of the Local Government (Miscellaneous Provisions) Act 1976, the safety of the travelling public, and the Council's policy in relation to private hire drivers.

The sub-committee expressed extreme concerns that as a professional driver and someone who was before committee only in March he was back before the committee again for a very serious matter.

The overriding consideration for the Council is the safety of the public. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment.

The driver was before committee in March 2026, he received a written warning about future conduct, he did a driver interview whereby he signed a document stating that he will be checking his tyres weekly if not daily and yet he had exposed tyre cords when he attended his pre-arranged inspection with ITU. The committee are minded that he is driving some of the most vulnerable members of society.

The committee was extremely concerned that ITU would not even let him drive off from the inspection to get the tyre replaced as it was that dangerous

The committee considered the options available to it

To take no action is not an option given the seriousness of the issues before the committee

To give a written warning is again not an option given the seriousness of the matter and the fact a written warning was only given to the driver in March for having received three strikes for three very different issues

The committee considered suspension of the licence but there was no possible outcome from a suspension that would lead the committee to think that the driver was a fit and proper person to hold a licence.

The driver currently has 3 penalty points attached to his DVLA licence from September 2024 and the committee acknowledges that whilst no further endorsements have been awarded to the driver following the ITU inspection of his vehicle, the illegal tyre identified in May 2026 would have been enough to warrant an additional 3 points had he been pulled over by the police prior to having it repaired and as per the policy of the Council "where a licence holder

has more than 6 penalty points for driving offences their licence will be revoked”.

To that end it is the unanimous decision of the committee to revoke the driver’s private hire drivers licence with immediate effect in the interests of public safety given the seriousness of the matter before it.

Rights of Appeal

If the driver is unhappy with the decision of the Licensing Sub Committee he may appeal to a magistrates court. Any appeal must be made within 21 days of the date of this letter.

5 Any Other Items the Chairman Determines Urgent and Which Requires a Decision

The committee heard the briefing paper with regard to a cake shed.

The committee took a vote to grant permission for the cake shed. The vote was unanimous in favour.