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LICENSING SUB-COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Tuesday, 12 October 2021 from 2.00 pm - 2.20 pm.

PRESENT: Councillors Derek Carnell (Chairman), Peter Macdonald and Tony Winckless.

OFFICERS PRESENT: Mohammad Bauluck, Robin Harris and Kellie MacKenzie.

365 EMERGENCY EVACUATION PROCEDURE

The Chairman drew attention to the emergency evacuation procedure.

366 NOTIFICATION OF CHAIRMAN AND OUTLINE OF PROCEDURE

The Chairman opened the meeting.

367 DECLARATIONS OF INTEREST

No interests were declared.

368 EXCLUSION OF THE PRESS AND PUBLIC

Resolved:

That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of the Schedule 12A of the Act:

- 1. Information relating to any individual.***
- 2. Information which is likely to reveal the identity of an individual.***

369 REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE

The Licensing Officer said that the Respondent had advised that they would not be attending the hearing.

The Licensing Officer introduced the report which sought to consider whether the Respondent, who had accumulated a total of 12 penalty points on their Swale Borough Council Hackney & Private Hire Badge, was a fit and proper person to continue as an operator.

The Licensing Officer detailed the incidents at which the Respondent had accumulated 12 Swale Borough Council penalty points, as below:

- 2 points - failure to notify the Council of DVLA penalty points within 14 days; and
- 10 points - giving false information on a hackney carriage licence application.

In response to questions, the Licensing Officer confirmed that the Respondent had apologised for failing to notify the Council about the DVLA points in writing and verbally and had given assurances that it would not happen again.

Members of the Sub-Committee adjourned at 2.08 pm to make their decision.

The decision of the Sub-Committee is attached as Appendix I to these minutes.

Resolved:

(1) That the Respondent's Swale Borough Council Hackney and private hire badge be not suspended but a warning be given.

Chairman

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All Minutes are draft until agreed at the next meeting of the Committee/Panel

Licensing Sub-Committee 12 October 2021

Case 3/2021

The Licensing Sub-Committee was asked to determine whether this Respondent was a fit and proper person to continue as a Swale Hackney Carriage/Private Hire Dual Driver against the background of them accumulating a total of 12 penalty points on their Swale Driver's Licence.

The Sub-Committee heard from the Licensing Officer that the Respondent had failed to disclose their DVLA Driving Licence being endorsed with three points both when the incident occurred and when they applied to renew their Swale Hackney Carriage/Private Hire Dual Driver's Licence.

The Sub-Committee were disappointed that the Respondent failed to attend the hearing today to answer questions, however they had regard to the representations made in writing prior to the hearing. In particular, the Sub-Committee noted that the Respondent apologised for their error and had given an undertaking that the matter would not happen again.

The Sub-Committee determined that this Respondent does remain a fit and property person to hold a Hackney Carriage/Private Hire Dual Drivers Licence, and that it was appropriate to deal with this matter by way of a written warning. However, the Sub-Committee considered it reasonable to advise the Respondent that in the event of any future breaches of policy it would be unlikely for any further warnings to be given.



Chairman:

Councillor Derek Carnell

Date: 12 October 2021

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