
LICENSING SUB-COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent ME10 3HT on Tuesday, 4 July 2023 from 2.00 pm - 3.10 pm.

PRESENT: Councillors Derek Carnell (Chair), Carole Jackson and Tony Winckless.

OFFICERS PRESENT: Billy Attaway, Chris Hills, Jo Thomas and Helen Ward.

165 EMERGENCY EVACUATION PROCEDURE

The Chair outlined the emergency evacuation procedure.

166 NOTIFICATION OF CHAIR AND OUTLINE OF PROCEDURE

The Chair opened the meeting and asked those present to introduce themselves.

167 DECLARATIONS OF INTEREST

Councillor Carole Jackson Declared a Non-Pecuniary Interest as she knew the representative of the Taxi Driver, but had no financial connections with him so was able to participate in the debate and the decision.

168 EXCLUSION OF 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 Schedule 12A of the Act:

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

169 REVIEW OF A HACKNEY CARRIAGE LICENCE

The Licensing Officer introduced the report which sought to consider whether the Respondent, who had accumulated a total of 20 (twenty) Swale penalty points on their Swale Borough Council (SBC) Dual Hackney Carriage/Private Hire Drivers Licence, was a 'fit and proper person' for the purposes of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and in particular whether any further enforcement action should be taken in respect of either licence.

The Licensing Officer detailed the incidents at which the Respondent had accumulated 20 SBC penalty points which were:

- 10 points – driving a hackney carriage without a hackney carriage driver’s licence;
- 10 points – traffic offence of driving the wrong way on a one-way street; and
- the Licensing Officer also confirmed that an additional 10 points had since been awarded for making a false statement or withholding information. The period for appeal, as set out in the Council’s policy, was underway and the driver had confirmed he would like the Licensing Sub-Committee to make a determination on the appeal against the imposition of these points.

The Respondent and representative presented their case.

The Licensing Team Leader informed the Sub-Committee and the Respondent that some late evidence had been shared with the Licensing Team just before the meeting. The Lawyer (Contentious) reviewed the documents and suggested the sub-committee adjourn the meeting so the contents of the evidence could be read carefully by the Respondent.

Members of the Sub-Committee adjourned at 2:21 pm so that the evidence was relevant to the matter being determined and an adjournment of two days was appropriate to allow full consideration of the evidence and for the Respondent to have the opportunity to seek further legal advice if they chose to.

Members of the Sub-Committee returned to the meeting at 3:09 pm.

Resolved: That the meeting be adjourned until 2 pm on Thursday, 6 July 2023.

Chair

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