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## Licensing Sub-Committee

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Thursday, 6 July 2023 from 2.00 pm - 3.07 pm.

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

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

**OFFICERS PRESENT (VIRTUALLY):** Chris Hills.

178 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

179 **Notification of Chair and Outline of Procedure**

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

180 **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.

181 **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.***

182 **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 drew attention to the additional new evidence that had come forward; a letter addressed to the Respondent informing them of the penalty points, the Respondents prepared statement to the Sub-Committee, an email from the Respondents previous operator confirming the bookings the taxi driver had taken on the day of the offence; and a list of speed and times from the vehicle.

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
- 10 points – making a false statement or withholding information from Licensing Officers.

The Chair asked the Respondent to present their case, and they were asked questions.

The Respondent's representative gave a prepared statement on the reasons for the penalty points.

Members of the Sub-Committee adjourned at 2:18 pm to make their decision.

Members of the Sub-Committee, the Lawyer (Contentious) and the Democratic Services Officer returned to the meeting at 3:04 pm and the decision, attached as Appendix I to these minutes, was announced.

***Resolved:***

- (1) That the Respondent's SBC Dual Hackney Carriage/Private Hire Drivers Licence be revoked.***
- (2) That the appeal against the penalty points imposed on 22 June 2023 be dismissed.***

Chair

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