



**Local Government (Miscellaneous Provisions) Act 1976 and Town
Police Clauses Act 1847**

**NOTICE OF DETERMINATION OF DUAL HACKNEY CARRIAGE /
PRIVATE HIRE DRIVER'S LICENCE**

Licence Holder: [REDACTED]

Licence number: [REDACTED]

Date of Determination: 18 December 2024

In accordance with the provisions of Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, take notice that Swale Borough Council has decided to REVOKE the dual hackney carriage / private hire drivers' licence number [REDACTED] issued to [REDACTED].

The Licensing Sub-Committee were asked to consider whether [REDACTED] is a fit and proper person for the purposes of compliance with hackney carriage and private hire legislation, published Standards and Guidance and Swale Borough Council's Hackney Carriage and Private Hire Vehicle Licensing Policy, and whether to take any enforcement steps following the issue of 12 Swale Penalty Points on [REDACTED] licence.

The Licensing Sub-Committee heard submissions from [REDACTED] and from [REDACTED] of [REDACTED] Cabs. They considered the licensing officer's report and carefully reviewed all the evidence provided to them.

The Licensing Sub-Committee noted that [REDACTED] had, since 2020, received two convictions for driving without due care and attention, along with an additional speeding offence that occurred in April 2023. They noted that although the first conviction had been notified at the point of application, the second conviction was not notified to the Licensing Authority until just before [REDACTED] was due in Court. The speeding offence was not notified to the Licensing Authority at all, nor was the subsequent 56 day driving ban that [REDACTED] received as a result of that incident.

The Licensing Sub-Committee considered [REDACTED] explanation for failure to notify the Authority of the offences and the disqualification, notably that as some time had passed since he was first licensed, he had forgotten that the Policy required him to notify the Authority of these offences. They also considered his explanation that he thought the email received from the Council suggested he only need notify them of DVLA penalty points received. However, the Licensing Sub-Committee were not satisfied that he had taken reasonable steps in failing to refer to the policy either at the time when he was notified of the speeding offence and that he would be attending Court, or when he received a disqualification. The Licensing Sub-Committee noted that it was fundamental to ensure public safety that the Authority is notified of relevant matters in accordance with the policy and they did not feel that [REDACTED] reasons for failing to do so were satisfactory.

In respect of the speeding offence the Licensing Sub-Committee heard evidence that [REDACTED] was in a taxi at the time, without passengers, having finished his shift, and driving at 45 miles per hour in a 30 zone. The Licensing Sub-Committee considered that [REDACTED] had significantly fallen below the standards expected of licensed drivers and this was aggravated by the fact that he was in a taxi at the time, that he had very recently completed a driver awareness course and that he had already received a formal warning from the Authority regarding his driving standards.

In respect of the incidents of driving without due care and attention, the Licensing Sub-Committee carefully considered the circumstances of these but were concerned that two convictions in a short space of time, along with the speeding, showed a pattern of poor driving standards. They were also concerned about the level of responsibility and accountability that [REDACTED] showed in response to these incidents. In particular, as [REDACTED] was driving too close to the car in front of him during one of the incidents, the result was an accident involving a number of other cars and the Licensing Sub-Committee felt this demonstrated a significant public safety concern.

The Licensing Sub-Committee carefully considered the enforcement options available to them. They felt that the seriousness of the incidents and the number of these, along with the failure to declare relevant information to the Licensing Authority meant that it would not be appropriate to not take any action. It was not considered appropriate to issue a written warning as the evidence showed more formal action was required to support the council's policy and to ensure the safety of the public.

The Licensing Sub-Committee noted in particular the policy and the guidance regarding enforcement action. They also considered in particular at Appendix D, para 18.2

Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 12 months free from offence, conviction, prosecution or caution must have elapsed from the restoration of the DVLA licence.

And at Appendix D para 14.2

...applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally

s.61 (1)(b) Local Government (Miscellaneous Provisions) Act 1976 allows revocation of the licence for any other reasonable cause and the Licensing Sub-Committee believed that [REDACTED] had fallen far below the expected standard of licensed drivers. Accordingly the decision of the Licensing Sub-Committee was to revoke the licence.

Appeal

In accordance with the provisions of Section 61(3) of the Local Government (Miscellaneous Provisions) Act 1976, you have a right to appeal against the Council's decision to revoke your licence. An appeal must be lodged with the Magistrates' Court within 21 days of the date of this Notice.

Signed:

Date of Notice: 18 December 2024

A handwritten signature in blue ink, appearing to read 'Derek Carnell', with a long horizontal stroke extending to the right.

Councillor Derek Carnell
Chair of the Licensing Sub-Committee