

**Licensing Sub-Committee 2.30pm 23 July 2018**

Decision: The Licensing Sub-Committee was asked to determine whether this Respondent was a fit and proper person to hold a Hackney Carriage/Private Hire Dual Driver's Licence against the background of having accumulated 18 penalty points on the Council's Hackney Carriage and Private Hire Policy.

In respect of the 6 points awarded for failure to maintain the vehicle in a safe and satisfactory manner at all times, the Respondent stated that the vehicle he drove on that day was not his normal vehicle, it was one he had taken at short notice and he did not check the vehicle before undertaking the journey. The Sub-Committee accepted this representation.

The Respondent also suggested that the KCC Inspector who had checked the vehicle may have been mistaken when he declared that the tyre was faulty. The Sub-Committee noted that the Inspector in question was a VOSA Inspector and therefore did not accept this representation at all.

The Sub-Committee heard from Mr Childs who is now the employer of the Respondent. He assured the Sub-Committee that all the vehicles that the Respondent could drive in his employment are checked by a mechanic every seven days and therefore there is very little chance of an incident such as this happening again. Mr Childs advised the Committee that the Respondent was very worried about the outcome of the Committee and felt that the Respondent should address the Committee on that themselves.

The Respondent indicated that they deeply regretted the incident and notwithstanding the checks being done every seven days would undertake to check the vehicle themselves as well.

Taking into account the above, the Sub-Committee determined that the appropriate and proportionate action would be to issue a formal warning to the Respondent. The Sub-Committee wanted the Respondent and their Employer to be aware that to be given a second warning rather than a suspension or revocation is wholly exceptional, and the Respondent should have no illusions as to the likely outcome should they have to attend a future Sub-Committee.

The Sub-Committee draws the attention of the Respondent to the fact that Swale Penalty Points remain on the Hackney Carriage/Private Hire Dual Driver's Licence for a period of 3 years.