

**Licensing Sub-Committee 9.30am on 24 July 2017**

**Case No 2/2017**

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 12 penalty points on the Council's Hackney Carriage and Private Hire Policy.

In respect of the 6 points awarded for parking outside Bobbing School, the Respondent stated that he had driven up and down the road 4 times trying to find a parking space but had been unable to locate one and rather than risk crossing the busy A249, he took the decision to park illegally as he thought this would be safer.

In respect of the 6 points awarded for failing to declare DVLA points on his licence application, the Respondent had simply forgotten about them, and in response to a question as to why he did not declare the points within 7 days of receiving them as he is required to do under the Swale Policy and Conditions, the Respondent had no explanation.

The Respondent apologised for his behaviour, stated that he was in the wrong and that he would never make the same mistake again; he stated that if his licence was taken away he would be unable to pay his mortgage.

Taking into account all of the above the Sub-Committee determined that the appropriate and proportionate action would be to issue a formal written warning at this time. The Sub-Committee noted that nothing the Respondent said was actually a defence for his actions, but was mitigation, and did feel that the Respondent had acted in good faith at Bobbing School, even though his action was ultimately wrong.

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 and in the event of appearing before a future Sub-Committee it is unlikely that a further warning will be given. The Sub-Committee reminds the Respondent that it can suspend or permanently revoke a licence for continued failures to meet the Council's Policy and Conditions.