

Public Document Pack

LICENSING SUB-COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Friday, 30 September 2016 from 2.30pm - 4.05 pm.

PRESENT: Councillors Bobbin (Chairman), Tina Booth and Roger Clark.

OFFICERS PRESENT: Mohammad Bauluck, Robin Harris and Jo Millard.

ALSO IN ATTENDANCE: Councillors Cameron Beart and Paul Fleming.

APOLOGY: Councillor Adrian Crowther.

912 FIRE EVACUATION PROCEDURE

The Chairman made sure that those present were aware of the Fire Evacuation procedure.

913 CHANGE OF MEMBERSHIP

Following apologies received from Councillor Adrian Crowther, the membership of this Sub-Committee was as follows: Councillors George Bobbin (Chairman), Tina Booth and Roger Clark.

914 NOTIFICATION OF CHAIRMAN AND OUTLINE OF PROCEDURE

The Chairman opened the meeting by introducing the Sub-Committee and the Officers present. He then outlined the procedure that would be followed.

915 DECLARATIONS OF INTEREST

No interests were declared.

Part B Minutes for Information

916 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 items of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2:

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

917 REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE

The Licensing Officer introduced the report which sought to consider whether Respondent A, who had accumulated a total of 13 penalty points on their Swale Driving Badge, was a fit and proper person to hold a Taxi Driver's badge. The Licensing Officer explained that a licensed driver is entitled to have up to 11 penalty points before being brought to the Licensing Sub-Committee.

The Licensing Officer detailed the incidents at which Respondent A had accumulated penalty points:

- 6 points for breach of the dress code;
- 4 points for code of conduct; and
- 3 points for failure to move up the rank.

The Chairman asked Respondent A to present their case and Members asked questions. Respondent A outlined the circumstances of each of the occasions penalty points had been awarded.

In response to a question from Respondent A's representative, the Senior Lawyer explained that the allocation of penalty points for offences was dealt with by the Licensing Committee. He also highlighted that the 4 points awarded for the code of conduct offence indicated it was a minor matter, and those points would be removed in November 2016.

Members of the Sub-Committee adjourned to make their decision.

Members of the Sub-Committee, the Senior Lawyer and the Senior Democratic Services Officer returned to the meeting and the decision, as attached as Appendix 1a to these minutes, was announced.

Resolved:

That Respondent A's Hackney Carriage Driver's Licence not be suspended and a formal warning be given.

918 REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE

The Licensing Officer introduced the report which sought to consider whether Respondent B, who had accumulated a total of 21 penalty points on their Swale Driving Badge, was a fit and proper person to hold a Taxi Driver's badge. The Licensing Officer explained that a licensed driver is entitled to have up to 11 penalty points before being brought to the Licensing Sub-Committee.

The Licensing Officer detailed the incidents at which Respondent B had accumulated penalty points:

- 3 points – Display of flags or other promotional material;
- 6 points – Failure to display badge in such a position as is clearly visible;
- 6 points – Failure to comply with the dress code; and
- 6 points – Failure to obey Traffic Regulations orders and directions at all times.

Respondent B was supported by their Ward Councillor, who explained the specific circumstances on the day that Respondent B received 18 of the penalty points. Respondent B explained in detail their partner's medical condition and urgent requirement for medication that day, their son's autistic condition, and the reason their personal car was unavailable to use. Respondent B produced evidence in support of the circumstances which was distributed to Members. Members noted the evidence and that penalty points had been awarded previously, over a number of years.

Members sought clarification from Respondent B on a number of issues. Respondent B accepted responsibility for the issues and asked Members to consider the extenuating circumstances.

Members of the Sub-committee adjourned to make their decision.

Members of the Sub-Committee, the Senior Lawyer and the Senior Democratic Services Officer returned to the meeting and the decision, as attached as Appendix 1b to these minutes, was announced.

Resolved:

That Respondent B's Hackney Carriage Driver's Licence not be suspended and a formal warning be given.

Chairman

Copies of this document are available on the Council website <http://www.swale.gov.uk/dso/>. If you would like hard copies or alternative versions (i.e. large print, audio, different language) we will do our best to accommodate your request please contact Swale Borough Council at Swale House, East Street, Sittingbourne, Kent, ME10 3HT or telephone the Customer Service Centre 01795 417850.

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

This page is intentionally left blank

Licensing Sub-Committee 2.30pm 30 September 2016

Case No3/2016 (2.30pm)

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

The licensing Sub-Committee decided to give a formal warning to the respondent driver. The Licensing Sub-Committee noted that for accumulating 13 points the outcome would often be a suspension of the Licence.

The Licensing Sub-Committee noted that the respondent driver accepted completely the issues raised at the hearing.

The Licensing Sub-Committee also noted the remarks made in mitigation of the various issues which the driver had previously been given points.

In all the circumstances a formal warning was the proportionate action to take against the driver's licence.

This page is intentionally left blank

Licensing Sub-Committee 2.30pm 30 September 2016

Case No4/2016 (3.18pm)

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

The licensing Sub-Committee decided to give a formal warning to the respondent driver. The Licensing Sub-Committee noted that for accumulating 21 points the outcome would normally be a suspension of the Licence and in the circumstances of this case, possibly even revocation.

The Licensing Sub-Committee noted that the respondent driver accepted completely the issues raised at the Hearing but did present substantial extenuating circumstances.

The Licensing Sub-Committee also noted the remarks made in support of the driver by the Ward Councillor, and this assisted them in reaching the conclusion that the driver remains a fit and proper person to hold a Hackney Carriage and Private Hire Dual Driver's Licence.

Given the wholly exceptional circumstances of this case, a formal warning is the appropriate action to take, but the driver should be under no illusions as to the outcome in the event of being presented before a future Sub-Committee.

This page is intentionally left blank