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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, Kent, ME10 3HT on Monday, 31 October 2016 from 3.35 - 4.35 pm.

**PRESENT:** Councillors Cameron Beart (Chairman), Paul Fleming and Prescott.

**OFFICERS PRESENT:** Mohammad Bauluck, Tom Dunn, Robin Harris and Kellie MacKenzie.

**ALSO IN ATTENDANCE:** Councillors Tina Booth, Roger Clark and Nicholas Hampshire.

### 979 FIRE EVACUATION PROCEDURE

The Chairman made sure that those present were aware of the fire evacuation procedure.

### 980 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.

### 981 DECLARATIONS OF INTEREST

No interests were declared.

### 982 EXCLUSION OF THE PRESS AND PUBLIC

**Resolved:**

***(1) 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 Part 1 of Schedule 12A of the Act:***

***1. Information relating to any individual.***

***2. Information which is likely to reveal the identity of an individual.***

### 983 REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE

The Licensing Officer introduced the report which sought to consider whether the Respondent, who had accumulated a total of 12 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 was entitled to have up to 11 penalty points, and as soon as they reached 12 or more points, the driver would be brought to the Licensing Sub-Committee for a review of their licence.

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

- 6 points for allowing another person to drive their hackney carriage without the proprietors consent (Breach of Code of Conduct); and
- 6 points for an illegal left turn.

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

In response to queries from Members, the Respondent explained the specific circumstances for allowing another person to drive their hackney carriage. The respondent referred to specific dates and outlined the reasons why the vehicle had to be taken to the repair shop. The Respondent advised that they collected the vehicle from the repair shop on 14 March 2016, so could not have been driving the vehicle when it was caught speeding by Kent Police the early hours of Sunday 13 March 2016. The Respondent confirmed that they had given permission for the repair shop to take the vehicle for a test drive. The Respondent noted that the licence plates were damaged when he collected the vehicle and produced photographic evidence for Members.

The Senior Lawyer (Contentious) asked the Respondent whether he had heard further from Kent Police about the speeding incident. The Respondent advised that he had not.

The Respondent stated that he would not take their vehicle to the repair shop in question again, and would in future keep a log-book of all maintenance works carried out to their vehicle.

In response to a question from a Member, the Respondent stated that they had not informed the Council that the car was "off-road" as they thought it would only need to be with the garage for a day or so.

Members of the Sub-Committee adjourned to make their decision at 3.55pm. Members of the Sub-Committee, the Senior Lawyer and Democratic Services Officer returned at 3.32pm, when the meeting was re-convened.

The decision, as set out at Appendix 1 to these minutes was announced.

***Resolved: That the Respondent's Hackney Carriage Driver's Licence not be suspended and a formal warning be given.***

Chairman

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