

Public Document Pack

LICENSING SUB-COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Wednesday, 15 September 2021 from 10.00 am - 10.25 am.

PRESENT: Councillors Derek Carnell (Chairman), Lee McCall and Tony Winckless.

OFFICERS PRESENT: Billy Attaway, Mohammad Bauluck, Robin Harris and Kellie MacKenzie.

276 EMERGENCY EVACUATION PROCEDURE

The Chairman drew attention to the emergency evacuation procedure.

277 NOTIFICATION OF CHAIRMAN AND OUTLINE OF PROCEDURE

The Chairman opened the meeting and asked those present to introduce themselves.

278 DECLARATIONS OF INTEREST

No interests were declared.

Part B Minutes for Information

279 EXCLUSION OF THE 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of the Schedule 12A of the Act:

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

280 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 Borough Council Hackney & Private Hire Badge, was a fit and proper person to continue as an operator.

The Licensing Officer detailed the incidents at which the Respondent had accumulated 12 Swale Borough Council penalty points, as below:

- 2 points - failure to notify the Council of DVLA penalty points within 14 day; and
- 10 points - giving false information on a hackney carriage licence application.

The Chairman asked the Respondent to present their case, and they were asked questions.

Members of the Sub-Committee adjourned at 10.18 am to make their decision.

Members of the Sub-Committee, the Contentious Team Leader and the Democratic Services Officer returned to the meeting at 10.23 am and the decision, attached as Appendix I to these minutes, was announced.

Resolved: That the Respondent's Swale Borough Council Hackney and private hire badge not be suspended but a 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

Licensing Sub-Committee 15 September 2021 10am

Case 1/2021

The Licensing Sub-Committee was asked to determine whether this Respondent was a fit and proper person to continue as a Hackney Carriage/Private Hire Dual Driver against the background of them accumulating a total of 12 penalty points on their Swale Driver's Licence.

The Sub-Committee heard from the Licensing Officer that the Respondent's DVLA Driving Licence had been endorsed with six penalty points and the Respondent had failed to inform the Licensing Department and failed to declare this matter when making an application for renewal.

The Sub-Committee heard that the Respondent had misunderstood the requirement to declare convictions which they understood to be matters such as driving without insurance or drink driving not matters that were dealt with simply by the endorsement of penalty points. The Respondent accepted that this was in error and that they would not make the same mistake again.

The Sub-Committee determined that this Respondent does remain a fit and proper person to hold a Hackney Carriage/Private Hire Dual Drivers Licence and the appropriate way to deal with this matter would be by way of a formal written warning.

Chairman:

Councillor Derek Carnell

Date:15 September 2021

This page is intentionally left blank