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Licensing Sub-Committee

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Thursday, 17 February 2022 from 10.02 am - 11.10 am.

PRESENT: Councillors Derek Carnell (Chairman), Lee McCall and Mike Whiting.

OFFICERS PRESENT: Angie Amon, Mohammad Bauluck, Robin Harris and Kellie MacKenzie.

OFFICERS PRESENT (Virtually): Philippa Davies.

ALSO IN ATTENDANCE (Virtually): Councillor Cameron Beart.

597 **Emergency Evacuation Procedure**

The Chairman drew attention to the emergency evacuation procedure.

598 **Notification of Chairman and Outline of Procedure**

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

599 **Declarations of Interest**

No interests were declared.

600 **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.***

601 **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 22 Swale penalty points on his 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 22 Swale Borough Council penalty points, as below:

- 12 points – Using a non-hands-free mobile telephone whilst driving;

- 2 points – Failure to adhere to dress code;
- 6 points – Failure to wear badge; and
- 2 points – Operating/Using a vehicle that as not clean and tidy and in a safe condition internally or externally.

The Chairman asked the Respondent to present their case, and they were asked questions. The Respondent's representative spoke of the Respondents previous good character and a number of mitigating reasons for the behaviour on the day in question.

Members of the Sub-Committee adjourned at 10.30 am to make their decision.

Members of the Sub-Committee, the Contentious Team Leader, the Trainee Lawyer and the Democratic Services Officer returned to the meeting at 11.05 am and the decision, attached as Appendix I to these minutes, was announced.

Resolved: That the Respondent's Swale Borough Council Hackney & Private Hire Licence be suspended for a period of seven days, and that the Respondent read, absorbed and reflected on the Swale Hackney Carriage Policy before returning to work.

Chairman

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

Licensing Sub-Committee 17 February 2022

Case 1/2022

The Licensing Sub-Committee was asked to determine whether this Respondent was a fit and proper person to continue as a Swale Hackney Carriage/Private Hire Dual Driver against the background of them accumulating a total of 22 penalty points on their Swale Driver's Licence.

The Sub-Committee heard from the Licensing Officer that the Respondent had been observed by KCC staff driving whilst talking on his mobile phone and also in breach of the dress code for drivers and not displaying his correct badge.

The Sub-Committee heard from the Respondent's representative that the Respondent was of previous good character and gave a number of mitigating reasons for the behaviour on that day.

The Sub-Committee determined that this Respondent does not remain a fit and proper person to hold a Hackney Carriage/Private Hire Dual Drivers Licence. However, as a result of the mitigation provided at the hearing today it is appropriate to deal with this matter by way of a short suspension.

The Sub-Committee were made aware during the course of the hearing that the Respondents knowledge of the Swale Hackney Carriage Policy was decidedly lacking in a number of areas and therefore this Respondent would benefit from the opportunity to refresh themselves of the Policy before continuing driving. Therefore, the Sub-Committee imposes a suspension of seven days and requires the Respondent to read, absorb and reflect on the Policy before returning to work.

The Sub-Committee recommends to the Respondent's representative that it would be considered best practice for an operator to ensure that their drivers are up to date with and compliant with the Council's Hackney Carriage Policy.

This decision may be appealed by way of an Appeal to the Magistrates Court which must be made within 21 days of the notification of this decision.

Chairman:

Councillor Derek Carnell

Date: 17 February 2022

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