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LICENSING SUB-COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Tuesday, 31 January 2023 from 10.00 - 11.27 am.

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

OFFICERS PRESENT: Chris Hills, Kellie MacKenzie and Helen Ward.

ALSO IN ATTENDANCE: Councillor Peter Marchington.

619 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

620 **Notification of Chairman and Outline of Procedure**

The Chair welcomed everyone to the meeting and asked those present to introduce themselves.

621 **Declarations of Interest**

No interests were declared.

Part B Minutes for Information

622 **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.***

623 **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 12 Swale Borough Council penalty points, as below:

- 12 points – Unsatisfactory behaviour or conduct of a driver including failure to behave in a civil and orderly manner to both the public, authorised officers or to other drivers.

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

Members of the Sub-Committee adjourned at 10.32 am to make their decision.

Members of the Sub-Committee, the Lawyer Contentious, and the Democratic Services Officer returned to the meeting at 11.25 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 revoked.

Chair

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



Swale Borough Council

Local Government (Miscellaneous Provisions) Act 1976

Town Police Clauses Act 1847

NOTICE OF DETERMINATION OF DUAL HACKNEY CARRIAGE / PRIVATE HIRE DRIVER'S LICENCE

Date of Determination: 31 January 2023

In accordance with the provisions of Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, take notice that Swale Borough Council has decided to REVOKE the dual hackney carriage / private hire drivers' licence.

The Licensing Sub Committee were asked to consider whether The Respondent was a fit and proper person for the purposes of compliance with hackney carriage and private hire legislation, published Standards and Guidance and Swale Borough Council's Hackney Carriage and Private Hire Vehicle Licensing Policy.

The Licensing Sub Committee heard evidence from The Respondent and carefully reviewed all of the evidence provided including the written statement provided at the meeting by the Respondent's representative.

In accordance with the provisions of Section 61(3) of the Local Government (Miscellaneous Provisions) Act 1976, you have a right to appeal against the Council's decision to revoke your licence. An appeal must be lodged with the Magistrates' Court within 21 days of the date of this Notice.

Signed:

Date of Notice: 31 January 2023

Councillor Derek Carnell
Chairman of the Licensing Sub-Committee

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