
LICENSING SUB-COMMITTEE

MINUTES of the Meeting held in the Second Floor Conference Room, Swale House on Thursday, 27 April 2023 from 10.18 am - 12.58 pm.

PRESENT: Councillors Mike Dendor (Chair), Lee McCall and Tony Winckless.

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

830 EMERGENCY EVACUATION PROCEDURE

The Chair outlined the emergency evacuation procedure.

831 NOTIFICATION OF CHAIR AND OUTLINE OF PROCEDURE

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

832 DECLARATIONS OF INTEREST

No interests were declared.

Part B Minutes for Information

833 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 Schedule 12A of the Act:

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

834 REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE

The Licensing Team Leader introduced the report which sought to consider whether the Respondent, who had accumulated a total of 12 Swale penalty points on their Swale Borough Council (SBC) Dual Hackney Carriage/Private Hire Drivers Licence and 21 Swale penalty points on a licensed hackney carriage of which they were the proprietor was a 'fit and proper person' for the purposes of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and in particular whether any further enforcement action should be taken in respect of either licence.

The Licensing Team Leader detailed the incidents at which the Respondent had accumulated the 12 SBC penalty points which were:

- 12 points – Any other transgression not contained within the penalty points system which in the opinion of an authorised officer should have penalty points imposed. In this case giving false information to an authorised officer.

The Licensing Team Leader also detailed the incidents at which the Respondent had accumulated the 21 SBC penalty points as detailed on page 43 of the report and listed below:

- 12 points – Proprietor employing an unlicensed driver; and
- 9 points – Failure of a proprietor to hold and produce a hackney carriage driver's licence.

The Respondent and representative presented their case.

The Chair invited the Sub-Committee to ask questions. The legal advisor was also invited to ask questions.

In response to a query from a Member, the Licensing Team Leader outlined the process for applying for a SBC Hackney Carriage Licence during the Covid-19 Pandemic.

The Chair invited the Respondent to summarise their closing remarks.

Members of the Sub-Committee adjourned at 11.35 am to make their decision.

Members of the Sub-Committee, the Lawyer (Contentious) and the Democratic Services Officer returned to the meeting at 12.54 pm and the decision was announced.

Resolved:

(1) That the Respondent's SBC Dual Hackney Carriage/Private Hire Drivers Licence be suspended until they had undertaken the relevant training. The penalty points imposed to remain in accordance with the Council's policy.

(2) That no further action be taken in respect of the Respondent's licensed hackney carriage. The penalty points imposed to remain in accordance with the Council's policy.

Chair

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