

Licensing Sub-Committee 3PM 23 January 2019

Case 3/19

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 16 penalty points on their Swale Driver's Licence.

The Sub-Committee noted that the respondent did not attend the hearing but agreed that there was sufficient evidence to proceed in their absence, once it had been established from the Licensing Officer that sufficient notice of the hearing had been given in writing.

The Sub-Committee heard that the respondent had been issued with 6 Swale Penalty Points in April 2018 for making a false declaration on an application for a renewal of a Hackney Carriage/Private Hire Dual Driver's Licence. In particular, the respondent failed to disclose the details of a Police caution.

The Sub-Committee were advised the respondent had indicated that they were unaware of the need to disclose a Police caution.

The Sub-Committee further heard that in December 2018 the respondent had telephoned the licensing department with a query. On being informed that the department was unable to comply with their request the respondent became verbally abusive. In particular, the respondent raised their voice and repeatedly swore during the call.

The Sub-Committee were advised that there has been no explanation or apology for the abusive behaviour.

In respect of the failure to disclose a Police caution, the Sub-Committee were of the view that this was a serious matter, for which the respondent was fortunate to only be given points and not immediately taken to a Sub-Committee.

The Sub-Committee found that the explanation provided, (being unaware of the need to disclose), was implausible as the application form is entirely clear that all matters including cautions must be disclosed.

In respect of being abusive towards a Licensing Officer, the Sub-Committee found this to be wholly unacceptable behaviour, which was aggravated by the absence of any explanation or apology.

The Sub-Committee considered that both matters indicate that the respondent does not have a sufficient grasp of the responsibilities of a licensed driver and therefore was not a fit and proper person to continue as a Swale Licensed driver.

The Sub-Committee considered revoking the respondent's licence, however, in the light of this being the first time that the respondent had been called before a hearing, the Sub-Committee determined that a short suspension would be sufficient, as this would provide the respondent with the opportunity to review the Swale Hackney Carriage and Private Hire Policy and to inform themselves of the required standards.


The respondent should be aware that the 16 Swale Penalty Points will remain on their licence and should a future Sub-Committee need to be convened to deal with any further transgressions against the Policy, however minor, the Sub-Committee would be unlikely to offer such an opportunity again.

Therefore the determination of the Sub-Committee is that the respondent's Hackney Carriage and Private Hire Dual Drivers Licence will be suspended for a period of 14 days. The respondent has 21 days before the activation of the suspension in which they may appeal the decision to the Magistrates Court.

In the event that the decision is not appealed the suspension will commence at 00:00 Hrs (midnight) on Thursday 21st February 2019 and terminate at 23:59 Hrs on Wednesday 6th March 2019.

The respondent is required to return their Hackney Carriage and Private Hire Dual Driver's badge to the Licensing Department at the Council no later than 21st February 2019. The respondent may reclaim their badge by appointment in working hours on Thursday 7th March 2019.

For clarity, the period in which the respondent may appeal this decision to the Magistrates Court is between 30th January 2019 and 20th February 2019.

A handwritten signature in black ink, appearing to read 'C. Beart', written in a cursive style.

Chairman:

Councillor Cameron Beart

Date: 28 January 2019