

**Licensing Sub-Committee 10am 19 March 2019 - Case 4/19**

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 heard from the Licensing Officer that the Respondent had their Hackney Carriage/Private Hire Dual Driver Licence endorsed with 10 points in November 2018 for failing to disclose relevant cautions and convictions in their application form and the Respondent had a further six points from August 2016 for failing to display their Driver Badge.

The Sub-Committee heard from the Respondent that the failure to disclose cautions and convictions was due to a mis-understanding in relation to what was required. The Respondent understood that only cautions and convictions that had not been previously disclosed needed to be declared.

The Sub-Committee noted that the six points for failing to display the Driver's Badge were due to be removed from the Licence in August this year due to the three-year rule in the Policy.

The Sub-Committee heard from the Respondent that they had 14 years' experience being a taxi driver and had never been the subject of a complaint in all that time. The Licensing Officer confirmed that this was the case. The Respondent also advised the Sub-Committee that they were good at their job, had repeat customers and were trusted by their employer.

In deliberation the Sub-Committee accepted that the failure to disclose cautions and convictions was an honest mistake and that the Respondent's exemplary record as a driver should be taken into account.

In the normal course of events a driver appearing before a Sub-Committee for a second time, having already been given a warning, would be suspended or revoked, but exceptionally on this occasion the Sub-Committee felt that the matter could be dealt with by way of a further warning.

It is highly unlikely that the Respondent would be given a warning again in the event of a future appearance before a Sub-Committee. The Respondent needs to ensure that they seek assistance with the correct completion of their forms, whether that be from their employer or from the Licensing Department.

Chairman:

Councillor Roger Clark



Date: 19 March 2019