

Licensing Sub-Committee 10am 1 July 2019

Case 5/19

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 12 penalty points on their Swale Driver's Licence.

The Sub-Committee heard the report read by the Licensing Officer in respect of the two matters of smoking in licensed vehicles. The Respondent apologised for the incidents explaining the first occasion had been a mis-understanding of the E-Cigarette provisions but is now clear that they cannot smoke E-Cigarette products in a licensed vehicle.

With regard to the second incident the Respondent explained they were the owner of the vehicle and had been unaware that they were not allowed to smoke in their vehicle whilst off-duty.

The Respondent stated this would not happen again and appreciates the seriousness.

The Sub-Committee noted the Respondent's genuine apology and explanation of the circumstances and determined that this Respondent does remain a fit and proper person to hold a Hackney Carriage Dual Driver's Licence.

It is appropriate and proportionate to deal with this matter by giving the Respondent a warning as to their future conduct. The points remain on the Respondent's Hackney Carriage Private Hire Dual Licence, the effect of which is that any future offence will result in the Respondent being brought before a further Licensing Sub-Committee and the Respondent should be aware that a future Sub-Committee is unlikely to issue a further warning in the event of any further breach.

Chairman:



Councillor Derek Carnell

Date: 1 July 2019