

Licensing Sub-Committee 2.30pm 31 October 2016

Case No5/2016

Decision: The Licensing Sub-Committee was asked to determine whether this respondent was a fit and proper person to hold a Hackney Carriage/Private Hire Dual Driver's Licence against the background of having accumulated 16 penalty points on the Council's Hackney Carriage and Private Hire Policy.

The Sub-Committee heard from the Respondent that the lanyard holding their badge had broken and on that basis had placed the badge in their bag for safe-keeping. The Licensing Officer confirmed that this was the case. The Sub-Committee noted that it was good mitigation that the badge was present and that the reason for not wearing the badge had been verified.

However, the relevant offence is a failure to display the badge, and so the points were correctly issued by the Licensing Officer.

The Sub-Committee would normally consider suspension of a Hackney Carriage/Private Hire Dual Driver's Licence with a driver that has accumulated 16 penalty points, but on this occasion due to the mitigating features of this case the Sub-Committee has determined that a warning is the appropriate and proportionate response in this case.

The Sub-Committee draw the attention of the Respondent to the fact that Swale Penalty Points remain on the Hackney Carriage/Private Hire Dual Driver's Licence for a period of 3 years and in the event of appearing before a future Sub-Committee it is unlikely that a further warning would be given.