

**Licensing Sub-Committee 3.30pm on 24 July 2017**

**Case No5/2017**

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 18 penalty points on the Council's Hackney Carriage and Private Hire Policy.

In respect of the six points awarded for smoking in a licensed vehicle the Respondent stated that he was not smoking he was merely removing a previously smoked cigarette from his car. However, when the Licensing Officer confirmed that he saw smoke emanating from the window of the car the Respondent accepted that he had been smoking.

In respect of the six points awarded for breach of dress code the Respondent admitted that he was aware that he was in breach.

In respect of the six points awarded for the failure to display a driver's badge the Respondent explained that he had been forced to change vehicles at short notice and he had left his badge in the other vehicle.

In mitigation the Sub-Committee noted that the driver has been licensed since 2008 and there is no record of any previous breaches of policy prior to that dealt with today. The Sub-Committee also noted that the Respondent had indicated that he would behave differently if presented with a similar situation in the future.

Taking into account all of the above the Sub-Committee determined that the appropriate and proportionate action would be to issue a formal written warning at this time.

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.