

Licensing Sub-Committee

Held at: Council Chamber - Civic Centre Folkestone
Date: Thursday, 30 June 2022
Present: Councillors Gary Fuller, Philip Martin and David Wimble

Apologies for Absence

Officers Present: John Bickel (Licensing Specialist), Tim Hixon (Legal Specialist), Sue Lewis (Case Officer (Committee)), Jack Pearce (Legal Trainee) and Briony Williamson (Licensing Specialist)

Others Present:

30. Election of Chairman for the meeting

Proposed by Councillor Gary Fuller
Seconded by Councillor Philip Martin and

Resolved: To appoint Councillor David Wimble as Chairman for the meeting.

(Voting: For 3; Against 0; Abstentions 0)

31. Declarations of interest

There were no declarations of interest.

32. Exclusion of the Public

Proposed by Councillor Gary Fuller
Seconded by Councillor Philip Martin and

Resolved:
To exclude the public for the following item of business on the grounds that it is likely to disclose exempt information, as defined in paragraph 2 of Part 1 of Schedule 12A to the Local Government Act 1972 –
‘Information which is likely to reveal the identity of an individual.’

(Voting: For 3; Against 0; Abstentions 0)

33. **Review of whether a licence should be granted to a new Private Hire driver**

This report considered whether a Private Hire Driver licence should be granted considering that the applicant was revoked from Ashford District Council.

In reaching its decision today the sub-committee has considered the Licensing Officer's report and the account offered by the applicant in the course of today's hearing.

Due regard has been given to the Council's Hackney Carriage and Private Hire Licensing Policy, the guidance produced by the Institute of Licensing and the Local Government Association and the statutory guidance issued by the Department of Transport.

The issue for the committee to decide today was whether the applicant is a fit and proper person to be granted a private hire drivers licence. The applicant was convicted in 2019 whilst he was licensed by Ashford Borough Council, of an offence under section 168 of the Equalities Act 2010 of refusing to carry an assistance dog in his taxi. The applicant failed to disclose this conviction on his application form, although did disclose that Ashford Borough Council had revoked his licence.

The Council's policy and the statutory guidance recommends that where a person is convicted of a discrimination offence such as this a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. The applicant was convicted of a singular offence in 2019 and was fined. This was an isolated incident. He has provided the committee with an account of the circumstances of this offence and the committee believe his account to be credible.

Proposed by Councillor David Wimble
Seconded by Councillor Philip Martin and

Resolved:

That the application for the private hire vehicle licence should be granted to the applicant subject to the following conditions:

- **That the applicant complete a Disability Awareness training for Taxi and Private Hire driver's course and provide a certificate to that effect within 28 days of completing the course to the Council.**

(Voting: For 3; Against 0; Abstentions 0)

The committee is satisfied that the departure from policy is justified, believing the applicant on the balance of probabilities to be a fit and proper person so as to be issued with a private hire drivers licence. The committee believes the

training condition imposed on his licence shall negate any such incidents in the future. The committee is satisfied that the applicant failure to disclose this conviction on his application form was unintentional.

34. **Review of Taxi Driver Licence**

This report considered whether action should be taken against a Hackney Carriage driver's licence following a number of complaints against the driver.

In reaching its decision today the sub-committee has considered the Licensing Officer's report and the account offered by the applicant in the course of today's hearing.

Due regard has been given to the Council's Hackney Carriage and Private Hire Licensing Policy, the guidance produced by the Institute of Licensing and the Local Government Association and the statutory guidance issued by the Department of Transport.

The fundamental aim of the licensing policy is protection of the public. In particular, it aims to ensure that licensed vehicles are safe, comfortable, insured and are driven by safe, professional and competent drivers.

The issue today for the committee is whether the conduct complained of by members of the public, taxi drivers and office staff are credible and if so whether they can be satisfied that the applicant is a fit and proper person to continue to hold a Hackney Carriage Drivers licence.

Of particular concern are repeated video calls whilst driving and reports of confrontation with colleagues.

The committee is satisfied that the applicant has not demonstrated appropriate professional conduct, that he has failed to behave in a civil and orderly manner and that he has failed to give reasonable assistance with a passengers luggage. He has not demonstrated the professional standards to be expected of a Hackney Carriage taxi driver.

These are not isolated incidents.

Proposed by Councillor Philip Martin
Seconded by Councillor Gary Fuller and

Resolved:

That the applicant is not a fit and proper person to hold his Hackney Carriage Drivers licence and there is reasonable cause to revoke the licence and this is the committee's decision.

(Voting: For 3; Against 0; Abstentions 0)

35. **Review of Taxi Driver Licence**

This report considered whether action should be taken against a Dual Driver's licence following a number of complaints against the driver.

In reaching its decision today the sub-committee has considered the Licensing Officer's report. The applicant failed to attend today's hearing but his letter was considered by the committee.

Due regard has been given to the Council's Hackney Carriage and Private Hire Licensing Policy, the guidance produced by the Institute of Licensing and the Local Government Association and the statutory guidance issued by the Department of Transport.

The issue for the committee is whether the evidence produced in the officers report showing the applicant's vehicle at Folkestone Central station with his light on demonstrates that the applicant has been plying for trade in that location without the appropriate permit. The committee is satisfied that the applicant has been plying for trade in this location as alleged.

The committee considered that this conduct is unprofessional and unacceptable and that the applicant has continued to ply for trade despite warnings from the Licensing Officer. He is in breach of Council byelaw and the byelaw of south eastern trains and the licensing policy. This does not demonstrate the professional standards expected of a professional driver.

Proposed by Councillor David Wimble
Seconded by Councillor Philip Martin and

Resolved:

That the applicant remains a fit and proper person to hold his dual licence however the course of conduct is clearly unacceptable and therefore, the Committee has decided to issue him a formal warning not to ply for trade at Folkestone central station until the appropriate permit has been obtained.

(Voting: For 3; Against 0; Abstentions 0)