

Licensing Sub-Committee

Held at: Council Chamber - Civic Centre Folkestone

Date: Tuesday, 11 April 2023

Present: Councillors Gary Fuller, Mrs Jennifer Hollingsbee and Jim Martin

Apologies for Absence

Officers Present: Rhys Hughes (Legal Trainee), Mr Alastair De Lacey (Legal Specialist), Sue Lewis (Case Officer (Committee)) and Briony Williamson (Licensing Specialist)

Others Present:

49. Election of Chairman for the meeting

Councillor Mrs Jenny Hollingsbee was appointed Chairman for the meeting.

50. Declarations of interest

There were no declarations of interest.

51. Exclusion of the public

Proposed by Councillor Gary Fuller
Seconded by Councillor Jim 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)

52. Review of Taxi Driver License

This report considered whether action should be taken against a Dual Driver's licence following it coming to our attention that the driver has more than 7 penalty points on their DVLA licence.

In determining the application the Sub-Committee has given due regard to the Council's Hackney Carriage and Private Hire Licensing policy, the guidance produced by both the Institute of Licensing and the Local Government Association and the statutory guidance issued by the Department of Transport.

The Sub-Committee considered the report presented by the Licensing Specialist and the submissions made by the applicant.

The Sub-Committee heard from the applicant as to the circumstances.

Proposed by Councillor Gary Fuller
Seconded by Councillor Jim Martin and

Resolved: Having considered all the evidence presented at the hearing, and having considered this application on its own merits, the Sub-Committee has determined that the applicant is a 'fit and proper person' and may retain his licence but will receive a written warning.

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

53. **Review of Taxi Driver Licence**

This report considered whether action should be taken against a Dual Driver's licence following it coming to our attention that the driver has more than 7 penalty points on their DVLA licence.

In determining the application the Sub-Committee has given due regard to the Council's Hackney Carriage and Private Hire Licensing policy, the guidance produced by both the Institute of Licensing and the Local Government Association and the statutory guidance issued by the Department of Transport.

The Sub-Committee considered the report presented by the Licensing Specialist and the submissions made by the applicant via his employer and letter and submissions as stated by the proprietor of the driver's employer.

The Sub-Committee heard from the applicant as to the circumstances of the reasons how the points were incurred and how he has not received any points since 2021.

Proposed by Councillor Gary Fuller
Seconded by Councillor Jim Martin and

Resolved: Having considered all the evidence presented at the hearing, and having considered this application on its own merits, the Sub-

Committee has determined that the applicant is a 'fit and proper person' to retain his licence and the requirement on his licence that he takes and passes the Driving Assessment test at his own expense within three months of today, namely the 11th July 2023 and he will receive a written warning.

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

54. Review of Taxi Operator Licence

This report considered whether action should be taken against a Taxi Operator's licence following it having over 12 penalty points issued against it.

In determining the application the Sub-Committee has given due regard to the Council's Hackney Carriage and Private Hire Licensing policy, the guidance produced by both the Institute of Licensing and the Local Government Association and the statutory guidance issued by the Department of Transport.

The Sub-Committee considered the report presented by the Licensing Specialist and the submissions made by the applicants.

The Sub-Committee heard from the applicant as to the circumstances.

Proposed by Councillor Gary Fuller
Seconded by Councillor Jim Martin and

Resolved: Having considered all the evidence presented at the hearing, and having considered this application on its own merits, the Sub-Committee has determined that the Operator is suitable to maintain their licence. A formal warning will be issued that will explain what can happen if any damage is not reported within a reasonable time and of their obligations as an operator. If the matter comes back before a committee then the Company will be required to prove that they have undertaken the weekly checks they said they would and also provide a copy of their written procedure for inspection and reporting.

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