

Licensing Sub-Committee

Held at: Council Chamber - Civic Centre Folkestone

Date: Monday, 22 January 2024

Present: Councillors Mrs Jennifer Hollingsbee, Nicola Keen and Jackie Meade

Apologies for Absence:

Officers Present: John Bickel (Licensing Specialist), Tim Hixon (Legal Specialist), Sue Lewis (Committee Services Officer), Briony Williamson (Licensing Specialist) and Nicola Wilson (Environmental Health and Licensing Senior Specialist)

Others Present: Taxi Driver in relation to the review

74. **Appointment of Chair for the meeting**

Proposed by Councillor Nicola Keen
Seconded by Councillor Jackie Meade and

Resolved: Councillor Mrs Jenny Hollingsbee be appointed Chairman for the meeting.

75. **Declarations of interest**

There were no declarations of interest.

76. **Exclusion of Public**

Proposed by Councillor Jackie Meade
Seconded by Nicola Keen 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 1 & 2 of Part 1 of Schedule 12A to the Local Government Act 1972 –

'Information relating to any individual & Information which is likely to reveal the identity of an individual.'

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

77. Review Of Taxi Driver Licence

This report considers whether action should be taken against a Dual Driver's licence following a complaint received from a member of the public claiming the Driver attempted to overcharge him.

In reaching the decision, the Sub-Committee took into consideration the following factors:-

1. The report presented by John Bickel for Council;
2. The witness statement of the complainant.
3. The representations of taxi driver and the documentary evidence submitted at the hearing;
4. The audio recording of complainant's telephone call to the Operator's office;
5. The provisions of the Local Government (Miscellaneous Provisions) Act 1976;
6. The Human Rights Act 1998;
7. Relevant case law as detailed within the Report;
8. Folkestone and Hythe District Council's Hackney Carriage and Private Hire policy ["the Policy"]

Proposed by Councillor Nicola Keen
Seconded by Councillor Jackie Meade and

Resolved: The Sub-Committee deemed that to issue the Licensee with a formal warning as regards this and his future conduct was reasonable and proportionate in the circumstances and in accordance with the Policy.

The formal warning and the 12 penalty points previously issued to the Licensee will remain on his record in accordance with the Policy.

Having considered all the evidence presented at the hearing, the Sub-Committee determined that the applicant remained a 'fit and proper person' within the scope of the statutory provisions.

The decision notice will be issued within the allotted guidelines.

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