

**Medway Council**  
**Meeting of Licensing Sub-Committee of Licensing and  
Safety Committee**

**Friday, 13 January 2012**

**2.15pm to 4.25pm**

**Record of the meeting**

**Subject to approval as an accurate record at the next meeting of this committee**

**Present:** Councillors: Carr, Mrs Diane Chambers, Colman, Harriott, Hicks and Kemp

**Substitutes:** Councillors:  
Griffin (Substitute for Etheridge)

**In Attendance:** Alan Conroy, Legal Advisor (for agenda item 8 only)  
Mandy Francis, Senior Licensing and Enforcement Officer (for agenda item 7 only)  
Lynsey Keen, Senior Licensing and Enforcement Officer (as observer for agenda item 7 and presenting officer for agenda item 8)  
Tony Saroy, Lawyer Civil and Criminal Litigation for agenda item 7 only)  
Ellen Wright, Democratic Services Officer

**675 Election of Chairman and Vice-Chairman**

**Decision:**

It was agreed that Councillor Mrs Diane Chambers be elected Chairman and Councillor Hicks be appointed Vice Chairman for the 2011/12 Municipal Year.

**676 Record of meeting**

The record of the meeting held on 23 July 2010 was agreed and signed by the Chairman as a correct record.

**677 Apologies for absence**

An apology for absence was received from Councillor Etheridge.

**678 Urgent matters by reason of special circumstances**

There were none.

**679 Declarations of interest**

There were none.

#### **680 Exclusion of the press and public**

##### **Decision:**

That the press and public be excluded from the meeting during consideration of the exempt material relating to agenda items 7 and 8 because consideration of these matters in public would disclose information falling within Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972 as specified in agenda item 6, and, in all the circumstances of the cases, the Committee considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

#### **681 Review of Hackney Carriage Driver's Licence**

##### **Discussion:**

The Senior Licensing and Enforcement Officer asked the Sub-Committee to consider the continuance of the hackney carriage driver licence issued to Mr G and to consider a range of options including, no further action, the issue of a warning, suspension or revocation of the hackney carriage licence.

The Sub-Committee was advised that upon renewal of his hackney carriage drivers licence Mr G had declared a fraud offence for which he had received a conviction in January 2011. Full details of the conviction had been set out on the Criminal Records Bureau Disclosure and was appended to the committee report at Appendix B.

In the light of this, the Licensing Unit had decided to refer this matter to the Sub-Committee requesting that the Sub-Committee consider whether Mr G is a 'fit and proper person' to continue to hold a hackney carriage driver's licence.

The Sub-Committee considered the case taking into account all the written representations and those made at the hearing by Mr G and the Senior Licensing and Enforcement Officer.

##### **Decision:**

Mr G was advised that Medway Council expected high standards from its licensed drivers and had considered fully the circumstances relating to Mr G's conviction in January 2011 along with the length of time that Mr G had held a hackney carriage drivers licence and that he had no enforcement issues on his record since 2003.

In the light of all the information received and heard at the appeal hearing, the Sub Committee agreed that a formal written warning be issued to Mr G and placed on his record.

**682 Appeal against suspension of Hackney Carriage Driver's Licence**

**Discussion**

The Senior Licensing and Enforcement Officer asked the Sub-Committee to determine an appeal against the decision of the Licensing Unit to suspend the hackney carriage driver's licence held by Mr P for a period of two months.

The Sub-Committee was advised that as a result of investigations into a complaint from a member of the public, supported by a witness, regarding an incident that had occurred in June 2011, the Licensing Unit had decided in November 2011 that Mr P's hackney carriage driver's licence should be suspended for a period of 2 months from Tuesday 15 November to 10 January 2012. This period had subsequently been amended to Tuesday 6 December 2011 – Tuesday 1 February 2012 so as to provide Mr P with his full 21 days period in which to appeal the decision.

Upon receipt of an appeal from Mr P, the Licensing Sub Committee was requested to consider this matter and was advised that the options available were, to uphold the appeal and take no further action, to take informal action such as a warning or a caution, to suspend the Driver's Licence (determining the length of suspension) or to revoke the Driver's Licence.

Full details of the incident, along with witness statements and a statement from Mr P were appended to the report at Appendices B, C, D and E along with a copy of Mr P's enforcement report at Appendix F.

The Sub-Committee considered the case taking into account all the written representations and those made at the hearing by Mr P and his Union representative and the Senior Licensing and Enforcement Officer.

**Decision:**

Mr P was advised that Medway Council expected high standards from its licensed drivers and in the light of all the information received and heard at the appeal hearing, the Sub Committee agreed that Mr P's hackney carriage driver's licence be suspended for a period of 2 weeks from Monday 6 January 2012, noting that Mr P has a right of appeal to the Magistrates Court against the Sub-Committee's decision.

**Chairman**

**Date:**

**Licensing Sub-Committee of Licensing and Safety Committee, 13 January 2012**

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