

**Medway Council**  
**Meeting of Licensing Sub-Committee of Licensing and  
Safety Committee**  
**Friday, 31 May 2013**  
**2.30pm to 3.00pm**

**Record of the meeting**

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

- Present:** Councillors: Mrs Diane Chambers (Vice-Chairman), Colman, Hicks (Chairman), Kemp, Adrian Gulvin, Pat Gulvin and Shaw
- Substitutes:** Councillor Adrian Gulvin for Councillor Avey  
Councillor Pat Gulvin for Councillor Etheridge  
Councillor Shaw for Councillor Harriott
- In Attendance:** Mr B, applicant  
Miss B, applicant's sister  
Alan Conroy, Legal Advisor  
Mandy Francis, Senior Licensing and Enforcement Officer  
Daniel Kalley, Democratic Services Officer  
Mr S, applicant's representative
- Observing:** Ellen Wright, Democratic Services Officer  
Michelle Steward, Licensing Officer

**1 Election of Chairman and Vice-Chairman**

**Decision:**

It was agreed that Councillor Hicks was elected Chairman and Councillor Diane Chambers appointed as Vice Chairman for the 2013/2014 municipal year.

**2 Record of meeting**

The record of the meeting held on 1 February 2013 was agreed and signed by the Chairman as a correct record.

**3 Apologies for absence**

Apologies for absence were received from Councillor, Avey, Etheridge and Harriott.

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

There were none.

**5 Declarations of disclosable pecuniary interests**

There were none.

**6 Exclusion of the press and public**

**Decision:**

That the press and public are excluded from the meeting during consideration of agenda item 7 because consideration of this matter 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 the Sub-Committee considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

**7 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 and Private Hire Driver Licences issued to Mr B and determine what action should be taken.

The Sub-Committee was advised that on 9 November 2012, the Licensing Unit received notification from Kent Police that Mr B had been convicted for driving whilst using a mobile phone. The conviction caused Mr B to exceed the maximum points limit on his licence and he was disqualified from driving for a period of six months. Full details of the conviction had been set out in Appendix F.

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 B is a 'fit and proper person' to continue to hold Hackney Carriage and Private Hire Driver Licences.

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

**Decision:**

## **Licensing Sub-Committee of Licensing and Safety Committee, 31 May 2013**

Mr B was advised that Medway Council expected high standards from its licensed drivers and had considered fully the circumstances relating to Mr B's conviction in November 2012.

In the light of all the information received and heard at the appeal hearing, the Sub Committee agreed to grant the licences for a period of 6 months with a formal written warning. The Licences would be reviewed in 6 months time. Mr B was advised that should he receive any further convictions or warnings it was unlikely that the licences would be renewed and that revocation of both of his licences was also likely.

**Chairman**

**Date:**

**Daniel Kalley, Democratic Services Officer**

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