

Medway Council
Meeting of Licensing Sub-Committee
Friday, 3 December 2021
2.42pm to 4.36pm

Record of the meeting

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

Present: Councillors: Mrs Diane Chambers (Chairman), Fearn (Vice-Chairman), McDonald and Prenter

In Attendance: Mr B, Appellant
Mr T, Appellant's legal representative
Laura Caiels, Principal Lawyer - Place Team
Franco De Fazio, Senior Licensing Officer
Stephen Platt, Democratic Services Officer

508 Apologies for absence

Apologies for absence were received from Councillors, Griffin, Kemp and Mahil.

509 Record of meeting

The record of the meeting held on 6 August 2021 was agreed and signed by the Chairman.

510 Urgent matters by reason of special circumstances

There were none.

511 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

There were none.

Other interests

There were none.

512 Exclusion of the press and public

The Sub-Committee agreed to exclude the press and public from the meeting during consideration of agenda item 6 because consideration of this matter in public would disclose information falling within paragraphs 1, 2 and 5 of Part 1 of Schedule 12A of the Local Government Act 1972 as specified in agenda item 5 (Exclusion of press and public) and, in all the circumstances of the case, the Sub-Committee considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

513 Appeal against revocation of Hackney Carriage and Private Hire Driver Licences

Discussion:

The Senior Licensing Officer set out the circumstances of the case and took members of the Sub-Committee through the documents that were included in the agenda report, explaining why the decision had been taken to revoke Mr B's Hackney Carriage and Private Hire Driver Licences.

Mr B's legal representative presented the appeal against this decision and responded to questions from the Senior Licensing Officer and members of the Sub-Committee.

Next, Mr B's legal representative and members of the Sub-Committee questioned the Senior Licensing Officer.

Decision:

After careful consideration of the written evidence and the representations made at the meeting, the Sub-Committee upheld the appeal against the revocation of Mr B's Hackney Carriage and Private Hire Driver Licences.

The Sub-Committee did not accept the point made by Mr B's legal representative that the Council's policy only allowed suspension or revocation of a licence following a conviction, however it did take on board the points made regarding the fact that Mr B was released under investigation and that, at the present time, there were no bail conditions or other restrictions imposed upon him.

The Sub-Committee carefully considered the nature of the allegations and whether or not it was appropriate to take action against Mr B's licences at this time.

Whilst the nature of the allegations was very serious, as no formal action had been taken by the relevant agencies at this time, the Sub-Committee did not

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consider it appropriate to impose a sanction at this time and for these reasons it rescinded the decision to revoke Mr B's licences.

Chairman

Date:

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