

Medway Council
Meeting of Licensing Sub-Committee
Monday, 17 July 2023
10.16am to 2.02pm

Record of the meeting

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

Present: Councillors: McDonald, Browne, Fearn, Kemp and Peake

Substitutes: Councillors:
Hamilton

In Attendance: Laura Caiels, Principal Lawyer - Place Team
Nicola Couchman, Democratic Services Officer
Franco De Fazio, Senior Licensing Officer

118 Apologies for absence

Apologies for absence were received from Councillor Brake and Councillor Prenter.

119 Record of meeting

The record of the meeting held on 28 June 2023 was agreed and signed by the Chairperson.

120 Urgent matters by reason of special circumstances

There were none.

121 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.

122 Exclusion of the press and public

The Sub-Committee agreed to exclude the press and public from the meeting during consideration of agenda item 5 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.

123 Review of a Hackney Carriage Driver Licence

Discussion:

The Licensing Sub Committee considered a review of Mr M's Hackney Carriage Driver Licence following a complaint that was received about Mr M refusing to fulfil a fare and requesting payment upfront which exceeded the cost displayed on the meter.

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. The Sub-Committee were advised that it was required to determine whether Mr M was a fit and proper person to continue to hold a Hackney Carriage Driver Licence.

Mr M's legal representative presented his case regarding the complaint, the actions that Mr M had taken and the reasons for them.

The Committee asked various questions to establish what had happened when Mr M arrived to pick up the passengers, what the reasoning was for his actions and whether he understood his duty of care to the passengers.

Decision:

After careful consideration of the written evidence, representations made at the meeting and responses to the questions asked, the Sub-Committee decided that Mr M refused to take the fare without a reasonable excuse and that there were other actions he should have taken to fulfil his duty of care to the passengers.

Under Section 53 of the Town Police Clauses Act 1847 (Code T10) the maximum penalty for refusal to take a fare without a reasonable excuse was 12 penalty points and the Committee decided to issue Mr M with 6 penalty points in response to this offence.

The Sub-Committee also determined that Mr M needed to retake Safeguarding and Disability awareness training again, pass the required tests associated with both training courses and provide evidence of completion to the Licensing Team within 6 months.

Licensing Sub-Committee, 17 July 2023

Chairperson

Date:

Nicola Couchman, Democratic Services Officer

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