

LICENSING HEARING

Minutes of the meeting held on 6 October 2022 commencing at 10.30 am

Present: Cllr. Edwards-Winser (Chairman)

Cllrs. Abraham, and Dr. Canet

Also Present: Cllr. Foster

Member for Swanley Christchurch
and Swanley Village (SDC)

Cllr. Osborne-Jackson

Member for Leigh & Chiddingstone
Causeway (SDC)

Jessica Foley

Senior Licensing Officer (SDC)

David Lagzdins

Legal Advisor (SDC)

Andy Binnie

Democratic Services Officer (SDC)

4. Appointment of Chairman

Resolved: That Cllr. Edwards-Winser be elected as Chairman.

(Cllr. Edwards-Winser in the Chair)

5. Declarations of interest

There were none.

6. Review of Private Hire Operator Licence - 21/02024/TXOP5 Access Travel (Kent)

Resolved: That under section 100A (4) of the Local Government Act 1972, the public were excluded from the meeting when considering the report, on the grounds that likely disclosure of exempt information was involved as defined by Schedule 12A, paragraph 1 (information relating to any individual) and paragraph 2 (information which is likely to reveal the identity of an individual).

The Hearing gave consideration to a report by the Senior Licensing Officer giving details of a review of a Private Hire Operator Licence under the Local Government (Miscellaneous Provisions) Act 1976, and the Town Police Clauses Act 1847. The Sub-Committee was asked, based on the evidence to determine whether to take no action, revoke the Licence, suspend the Licence or issue penalty points to the Licence Holder.

The Senior Licensing Officer introduced the exempted report, gave background information to the Hearing and highlighted a typographical error in the report.

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The Sub Committee noted that the Licence Holder was not present despite having been contacted multiple times by the Licensing and Democratic Services Teams. The Sub-Committee expressed concern for the ability of the Licence Holder to remain “fit and proper” to hold an Operator Licence in light of the concern raised that they had operated a private hire vehicle with an unlicensed driver together with a failure to comply with the requests for information from the Licensing Team regarding records and the evidence within the exempted report. The Sub-Committee also discussed the potential implications for public safety.

In response to concerns raised, points of clarification were given by the Legal Advisor and Senior Licensing Officer.

The Sub-Committee suggested that the Driver and Vehicle Standards Agency (DVSA) should be contacted by the Licensing Team due to the public safety implications of evidence detailed in the exempted report.

Members noted that having had regard to the evidence provided in the exempt report, to the statutory framework, and the Council’s Hackney Carriage and Private Hire Policy, the Sub-Committee were concerned that the Licence Holder had failed to provide sufficient information to overcome the concerns and to show them to be a “fit and proper person” to hold a Private Hire Operator Licence.

Resolved: That the Licence be revoked as detailed in the notice of determination to be provided to the Licence Holder within 14 days.

THE MEETING WAS CONCLUDED AT 10.48 AM

CHAIRMAN