

Minutes

Licensing Sub-Committee

Held at: Council Chamber - Civic Centre Folkestone

Date: Wednesday, 6 March 2024

Present: Councillors Mike Blakemore, Rebecca Shoob and Paul Thomas

Apologies for Absence

Officers Present: John Bickel (Licensing Specialist), Tim Hixon (Legal Specialist), Sue Lewis (Committee Services Officer) and Briony Williamson (Licensing Specialist)

Others Present:

78. Election of Chairman for the meeting

Proposed by Councillor Rebecca Shoob
Seconded by Councillor Mike Blakemore and

Resolved: That Councillor Paul Thomas is Chair for the meeting.

79. Declarations of interest

There were no declarations of interest.

80. Exclusion of the Public

Proposed by Councillor Mike Blakemore
Seconded by Councillor Rebecca Shoob and

Resolved:

To exclude the public for the following item of business on the grounds that it is likely to disclose exempt information, as defined in paragraph 1 & 2 of Part 1 of Schedule 12A to the Local Government Act 1972 –

‘Information relating to any individual & Information which is likely to reveal the identity of an individual.’

(Voting: For 3; Against 0; Abstentions 0)

81. **Review of Taxi Driver Licence**

The report considers whether action should be taken against a Dual Driver's licence following a DVLA driving ban for multiple speeding offences.

In reaching the decision, the Sub-Committee took into consideration the following:-

1. The report presented by Briony Williamson for Council;
2. The representations of the applicant and the character references submitted at the hearing;
3. The provisions of the Local Government (Miscellaneous Provisions) Act 1976;
4. The Human Rights Act 1998;
5. Relevant case law as detailed within the Report;
6. Folkestone and Hythe District Council's Hackney Carriage and Private Hire policy ["the Policy"] and in particular Appendix C relating to convictions and cautions.

The Licensing Sub-Committee want to look at the individual speeds recorded for each offence before determining any future decision. Therefore, need to wait until his driving licence is returned to him in April to allow access to his DVLA Licence records, based on this the recommendation below is their decision.

Proposed by Councillor Mike Blakemore
Seconded by Councillor Rebecca Shoob and

Resolved:

1. **Having considered all the evidence available to it at the hearing, the Sub-Committee were unable to determine that the driver was a 'fit and proper person' within the scope of the statutory provisions and that to refuse the application for renewal of his licence was consistent with the Council's Policy.**
2. **The Sub-Committee advised the applicant to take a Drivers Assessment Course before making a new application.**

(Voting: For 3; Against 0; Abstentions 0)

82. **Review of whether a licence should be granted to a new Private Hire driver.**

The report considers whether a Private Hire Driver licence should be granted.

In reaching the decision, the Sub-Committee took into consideration the following:-

1. The report presented by Briony Williamson for Council and the further information she had been provided by Kent Police;
2. The representations of the applicant detailing the background to his convictions and his personal and family circumstances;
3. The provisions of the Local Government (Miscellaneous Provisions) Act 1976;
4. The Human Rights Act 1998;
5. Relevant case law as detailed within the Report;
6. Folkestone and Hythe District Council's Hackney Carriage and Private Hire policy ["the Policy"] in particular Appendix C relating convictions and cautions.

The Licensing Sub-Committee based their decision on the evidence presented with their recommendation set out below.

Proposed by Councillor Rebecca Shoob
Seconded by Councillor Mike Blakemore and

Resolved: Having considered all the evidence presented at the hearing the Sub-Committee determined that the applicant was a fit-and proper person to be a licensed driver within the scope of the statutory provisions and that to grant the application was consistent with the Council's Policy.

(Voting: For 3; Against 0; Abstentions 0)

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