

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 SUB COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 29 AUGUST 2024

Attendees:

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| Committee Members: | Councillors Coates, Springett and Wales |
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87. APOLOGIES FOR ABSENCE

There were no apologies.

88. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

89. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Springett be elected as Chairman for the duration of the meeting.

90. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

91. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

92. EXCLUSION OF THE PUBLIC FROM THE MEETING

RESOLVED: That the public be excluded from the meeting for the following items of business because of the likely disclosure of exempt information for the reason specified, having applied the public interest test:

Head of Schedule 12 A and Brief Description

Item 7 – Fit and Proper Assessment of Hackney Carriage & Private Hire (Dual) Driver

Paragraph 1 – Information relating to any individual

Paragraph 2 – Information which is likely to reveal the identity of an individual

Paragraph 7 – Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

93. FIT AND PROPER ASSESSMENT OF A PRIVATE HIRE DRIVER

The persons participating in the meeting were identified as follows:

1. Chairman – Councillor Springett
2. Sub-Committee Members – Councillors Coates and Wales
3. Senior Licensing Officer – Lorraine Neale
4. Legal Advisor – Helen Ward
5. Democratic Services Officer – Jordan Ifield
6. Licence Holder
7. Witness
8. Witness

The Sub-Committee Members confirmed that they had read the papers regarding the hearing.

The Chairman explained that:

- The Sub-Committee would allow all parties to put their case fully and make full submissions within a reasonable time frame.
- The procedure would take the form of a discussion led by the Sub-Committee and they would usually permit cross-examination within a reasonable timeframe.
- Any person attending the hearing who behaved in a disruptive manner may be directed to leave the hearing by the Sub-Committee (including temporarily) after which, such person may submit to the Sub-Committee any information which that person would have been entitled to give orally had the person not been required to leave the meeting. If this was not possible, they may be permitted to speak at the Chairman's invitation.

The Senior Licensing Officer introduced the report, with the sub-committee asked to determine whether the licence holder was a fit and proper person to retain a dual licence of Hackney Carriage and Private Hire vehicles with consideration to the council's Hackney carriage licence policy.

The applicant was invited to make their opening remarks and provided further information on and context to the report.

The applicant responded to questions from the panel and the legal adviser.

The Chairman advised that the sub-committee would retire for deliberation with the legal officer present. The meeting was adjourned between 14.41 p.m. to 15.15 p.m.

The sub-committee returned and the Chairman stated that having considered the evidence presented, representations made and the relevant legislation and guidance, the decision was made to issue a written warning. It was confirmed that a written decision notice with full reasons would be provided and that there would be no right of appeal.

RESOLVED: That a written warning be issued to the licence holder.

The meeting closed at 15:16 p.m.