

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 6th December, 2007

Present: Cllr A W Allison (Chairman), Cllr P J Homewood (Vice-Chairman), Cllr Ms J A Atkinson, Cllr J R H Clements and Cllr Mrs F A English.

With the consent of the Chairman, Councillors Balcombe, Baldock, Court, Mrs Luck, Miss Sergison and Withey were also present pursuant to Council and Committee Procedure Rule No 15.21.

PART 1 - PUBLIC

**LA
07/038** **DECLARATIONS OF INTEREST**

There were no declarations of interest made.

MATTERS FOR CONSIDERATION IN PRIVATE

**LA
07/039** **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

PART 2 - PRIVATE

**DECISIONS TAKEN UNDER DELEGATED POWERS IN
ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE
CONSTITUTION**

**LA
07/040** **CASE NO 07/04: APPLICATION FOR EXEMPTION FROM
HACKNEY CARRIAGE LICENCE CONDITION: PLATE NUMBER
508
(Reason: LGA 1972 Sch 12A Para 1 - Information relating to an
individual)**

The driver explained to the Panel that covenants on the estate where he lived prevented commercial vehicles from being parked there. Action had recently been taken against another resident to force compliance with this requirement. The driver explained that he was able to comply with this condition until the Council introduced a requirement that door insignia be permanently affixed to the vehicle and asked for a dispensation to continue to be able to use magnetic door insignia.

RESOLVED: That the application be granted but that

(1) the consent be personal to the applicant;

(2) the consent to apply only so long as the applicant resides at this address; and

(3) the Panel placed great importance on the door insignia being in place at all times when the vehicle is being used for work.

**LA
07/041**

**CASE NO 07/03: HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S
LICENCE BADGE NUMBER 1032**

**(Reason: LGA 1972 Sch 12A Para 1 - Information relating to an
individual)**

The Chief Solicitor reported that a complaint had been made against this driver, alleging that he had used abusive language to a customer on the telephone. The driver explained his understanding of what had happened and admitted that he had used bad language in the face of extreme provocation from the complainant. The Panel regarded the use of foul or abusive language at any time to be a very serious matter.

RESOLVED: That, on his own admission, the complaint be found to be proved. The driver was admonished and warned as to his future conduct.

**LA
07/042**

**CASE NO 06/01: HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S
LICENCE BADGE NUMBER 1673**

**(Reason: LGA 1972 Sch 12A Para 1 - Information relating to an
individual)**

The Chief Solicitor reported that this driver had been placed on probation in 2006. Since then there had been eight further complaints made against him. The driver had asked for the case to be deferred as he had an alternative commitment.

RESOLVED: That the case be deferred to the next meeting of the Panel, but that it be dealt with then whether or not the driver is present in person.

**LA
07/043**

**CASE NO 07/05: HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S
LICENCE BADGE NUMBER 316**

**(Reason: LGA 1972 Sch 12A Para 1 - Information relating to an
individual)**

The Chief Solicitor reported that, since January 2006, there had been eleven complaints made against this driver, relating to his conduct and the playing of loud music from his vehicle. It was explained to the Panel that the driver had had personal problems during this period. In

October 2007, he had been summoned to Tonbridge police station and given a notice under section 59 of the Police Reform Act 2002 relating to his standard of driving. Since that time there had been no further complaints. The driver admitted some of the complaints. In coming to a decision the Panel took into account the number and nature of the complaints as well as the driver's previous good character. The Panel viewed the matter as serious and considered that any future occurrences should be dealt with in an appropriate manner.

RESOLVED: That, on his own admission, the complaints be found to be proved and that the driver be placed on probation for a period of two years and any further occurrences during that period to be reported to the Panel. In addition, the driver be required to undergo a medical examination by the Council's vocational driving medical adviser within the next month.

**LA
07/044**

**COMPLAINTS AGAINST HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS - CASE NO 07/06 BADGE NUMBER 1100 AND CASE NO 07/07 BADGE NUMBER 563
(Reason: LGA 1972 Sch 12A Para 1 - Information relating to an individual)**

The Chief Solicitor reported that these two drivers had engaged in a fight at the Waterloo Road taxi rank, as a result of which one of them had been taken to hospital. There had been complaints from a number of members of the public and other drivers about this incident. The drivers both admitted that the fight had taken place and expressed regret. The Panel took the view that this kind of conduct was a concern to everyone.

RESOLVED: That, on their own admission, the complaint be found to be proved and that both drivers be placed on probation for a period of two years and that any further occurrences of conduct of this nature shall be reported to the Panel for further consideration.

**LA
07/045**

**CASE NO 07/08: HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE BADGE NUMBER 1772
(Reason: LGA 1972 Sch 12A Para 1 - Information relating to an individual)**

The Chief Solicitor reported that there had been a complaint relating to this driver's standard of driving and behaviour towards a member of the public. The driver acknowledged that the incidents had taken place and expressed regret. The Panel expressed that they did not accept the use of foul or abusive language and considered that further such incidents might render the driver unfit to continue to hold a driver's licence. They also expected all drivers to conduct themselves within the law at all times. It was noted that the Chief Solicitor had delegated authority to suspend a licence immediately if circumstances warranted

it.

RESOLVED: That, on his own admission, the complaint was proved and that the driver be placed on probation for a period of one year and that any further occurrences of conduct of this nature during that time shall be reported to the Panel for further consideration.

LA
07/046

**CASE NO 07/09: APPLICATION FOR EXEMPTION FROM
HACKNEY CARRIAGE LICENCE CONDITIONS
(Reason: LGA 1972 Sch 12A Para 1 - Information relating to an
individual)**

This was an application for an exemption from the usual requirement that all hackney carriages be white or silver in colour. The applicant did not attend the meeting or present the vehicle to be viewed.

RESOLVED: That the application be deemed to have been withdrawn.

The meeting ended at 2120 hours