

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 9th August, 2012

Present: Cllr J A L Balcombe (Chairman), Cllr Mrs J A Anderson and Cllr A K Sullivan.

Together with representatives from the Licensing Authority, Kent County Council Transport Integration (School Contracts Team) and the Private Hire Operator/Proprietor.

PART 1 - PUBLIC

LA DECLARATIONS OF INTEREST

12/062 There were no declarations of interest made.

MATTERS FOR CONSIDERATION IN PRIVATE

LA EXCLUSION OF PRESS AND PUBLIC

12/063

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information the following matter be considered in private.

PART 2 - PRIVATE

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

**LA POSSIBLE DISCIPLINARY ACTION IN RESPECT OF PRIVATE
12/064 HIRE LICENCES - CASE NO 05/2012**

(Reason: LGA 1972 Sch 12A Para1 - Information relating to an individual)

The Panel considered whether any action was appropriate in respect of a current Private Hire Operator/Driver/Proprietor following the receipt of information from Kent County Council Transport Integration (School Contracts Team).

Details of a number of different drivers, past and present, working for the company was shown in Annex 1 to the report of the Chief Solicitor.

A summary of the Private Hire Vehicles plated between 29 February and 17 April 2012 were shown in Annex 2, with the transcript of a PACE interview with the individual concerned set out in Annex 3 of the

same report.

Verbal representations were heard from the Licensing Authority, who summarised the main areas of concern, Kent County Council Transport Integration (School Contracts Team) and the operator/proprietor.

After careful consideration of the evidence presented the Panel noted that a vehicle was supplied by the operator on two separate occasions, namely 20 March 2012 and 17 April 2012 in order to fulfil school contracts. On neither occasion was the vehicle licensed. This was not denied by the operator.

The Panel further noted that the operator did not seek to deny, when questioned, that an unlicensed driver had been employed and driven for the business in late December 2011. The Panel was concerned that the operator had made no checks on this drivers licensed status prior to using him to fulfil bookings.

Having regard to the number of points accrued in respect of these matters, as shown on pages 11 and 12 of the report of the Chief Solicitor, and having listened to the operator's explanation, the Panel considered these were very serious matters which could place the public at risk.

§ Operators Licence:

Section 47 of the 1976 Act required that no person operate any vehicle as a private hire vehicle if that vehicle did not have a private hire vehicle licence. The proprietor had failed to comply with this on two occasions.

Furthermore, the proprietor had operated a private hire vehicle when that driver did not have a current licence.

For these reasons the Panel

RESOLVED: to revoke the Private Hire Operators Licence as it did not consider the operator was fit to hold the licence.

The Panel also considered that the same concerns applied in respect of the fitness of the operator to hold either a Driver's Licence or a Vehicle Licence and the Panel therefore

RESOLVED: to revoke the Private Hire Driver's Licence and the three Licensed Private Hire Vehicles in the individual's name.

The meeting ended at 1455 hours
after commencing at 1313 hours