

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 6th June, 2014

Present: Cllr M A Coffin (Chairman), Cllr O C Baldock and Cllr Mrs P Bates

Together with representatives of the Licensing Authority.

PART 1 - PUBLIC

LA 14/33 DECLARATIONS OF INTEREST

It was noted that, prior to the meeting, Councillor Ms J Atkinson had advised that the driver under review was known to her and she had withdrawn from the Panel. Councillor O Baldock had, therefore, been appointed to serve on the Panel. There were no declarations of interest made in accordance with the Code of Conduct.

LA 14/34 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

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

LA 14/35 REVIEW OF DUAL DRIVER'S LICENCE (CASE NO 11/2014)

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

The Panel gave consideration to the report of the Director of Central Services and Monitoring Officer regarding the conduct of a licensed Hackney Carriage Driver who had driven a private hire vehicle through a set of red traffic lights with school children on board the vehicle on 4 March 2014. The Panel was advised that the driver had upgraded from a Hackney Carriage to a Dual Driver's Licence on 4 April 2014.

The Panel listened carefully to the representations made by the Driver, her employer and had regard to the report of the Director of Central Services. The Panel found that

- (1) the Driver had not, at the relevant time, held a private hire driver's licence but had been driving a private hire vehicle;
- (2) the Driver was licensed to drive a hackney carriage and had since obtained a Dual Driver's Licence;
- (3) the Driver had admitted to having driven through a red light;
- (4) there were mitigating circumstances in that the Driver had been distracted by the behaviour of the autistic children who were her passengers at the time (and who were supervised by a chaperone); and
- (5) the Driver had no previous complaints against her, no penalty points and a clean driving licence.

For these reasons the Panel therefore

RESOLVED: That the Driver be issued with a written warning and two penalty points be added to her Dual Driver's Licence.

The meeting ended at 10.37 am
having commenced at 10.07 am