

**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.

Councillor C Brown was also present pursuant to Council Procedure Rule No 15.21.

**PART 1 - PUBLIC**

**LA 14/36 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct

**LA 14/37 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 14/38 REVIEW OF A DUAL DRIVER'S LICENCE (CASE NO 13/2014)**

**(Reason: LGA 1972 Sch12A Para 1 – Information relating to an individual)**

The Panel gave consideration to the report of the Director of Central Services and Monitoring Officer regarding an accusation reported to Licensing Services on 5 March 2014 that a taxi driver had been observed using a non-hands-free mobile 'phone whilst driving. The Panel listened carefully to the evidence presented by the Licensing and Community Safety Manager and the representations made by the licence holder and found that

- (1) the Driver was using a non-hands-free mobile telephone whilst driving his hackney carriage on Council premises contrary to the

Council's Hackney Carriage and Private Hire Licensing Policy 2013-2016;

- (2) this was a serious matter which on a public highway would be a criminal offence;
- (3) there had been no prior concerns or complaints regarding the Driver; and
- (4) whilst the Driver was also the operator of a taxi company, his main source of income was from his own driving.

For these reasons therefore the Panel

**RESOLVED:** That the Driver be issued with a written warning and 12 (twelve) penalty points endorsed on his Dual Driver's Licence.

The meeting ended at 11.50 am  
having commenced at 11.30 am