

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Wednesday, 24th September, 2014**

**Present:** Cllr M A Coffin (Chairman), Cllr Ms J A Atkinson and Cllr Mrs P Bates

Together with representatives of the Licensing Authority

**PART 1 - PUBLIC**

**LA 14/80 DECLARATIONS OF INTEREST**

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

**LA 14/81 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 14/82 REVIEW OF DUAL DRIVER'S LICENCE - CASE NO 14/2014**

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

The Panel was invited to consider the conduct of a Dual Driver Licence Holder and to determine whether any action was required. The report of the Director of Central Services and Monitoring Officer set out details of two incidents in March 2014 where the Driver was driving a Private Hire vehicle and also left that vehicle unattended on a Hackney Carriage taxi rank and a further incident in July 2014 when the Driver was observed sitting in the Private Hire vehicle on the same taxi rank in Angel Lane, Tonbridge. The Panel noted that at the time of the original offence on 31 March 2014 the Driver had held a Hackney Carriage Driver's Licence and that this had been upgraded to a Dual Driver's Licence on 4 April 2014.

The Panel listened carefully to the representations made by the Driver and her employer and had regard to the written report of the Director of

Central Services and the photographic evidence contained in Annexes 4 and 5 to the report. The Panel was concerned that neither the Driver nor the Operator appeared to be aware that private hire vehicles were unable to park on a Hackney Carriage taxi rank.

The Panel made the following findings:-

- (1) the Driver did not, at the relevant time, hold a Private Hire Licence but had been driving a private hire vehicle;
- (2) the Driver had admitted that she had been parking at Angel Lane, Tonbridge, but did not think that she was doing something wrong;
- (3) the Driver was unaware that, as a driver of a private hire vehicle, she was not allowed to park her vehicle on the taxi rank; and
- (4) the Driver had no previous complaints against her and no previous penalty points.

The Panel noted that, under the Council's penalty points system, the Driver had received 12 points for driving a private hire vehicle without a private hire driver's licence (31 March 2014), 6 points for permitting any vehicle other than a hackney carriage to wait on a hackney carriage rank (31 March 2014) and 6 points for allowing a private hire vehicle to stand in such a position as to suggest that it was plying for hire or using a hackney carriage stand (10 July 2014). The Panel acknowledged that the Driver had corrected the first breach by applying for a Dual Driver's Licence.

Having considered the matter very carefully the Panel

**RESOLVED:** That

- (1) the 12 penalty points relating to driving a private hire vehicle without holding the correct driver's licence, dated 31 March 2014, be removed;
- (2) the 12 penalty points for the offences dated 31 March 2014 and 10 July 2014 and relating to the use of the hackney carriage taxi rank by a private hire vehicle be allowed to stay on the Dual Driver's Licence; and
- (3) the Driver be warned that the receipt of any additional penalty points on her Dual Driver's Licence will require her appearance before another hearing of the Licensing and Appeals Panel.

The meeting ended at 12.57 pm  
having commenced at 12.00 pm