

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 4th August, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs S M Barker and Cllr D Keers

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/42 DECLARATIONS OF INTEREST

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

LA 17/43 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 17/44 REVIEW OF A DUAL DRIVER'S LICENCE FOR HACKNEY CARRIAGE AND PRIVATE HIRE - CASE NO 10/2017

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

The Panel was asked to consider what action should be taken in respect of the Holder of a Dual Driver's Licence for Hackney Carriage and Private Hire (Badge No 118) following the receipt of information and CCTV footage from a licensed driver in Medway that the Dual Licence Driver had accepted a fare without a booking outside the Borough of Tonbridge and Malling on 25 February 2017.

The Panel had regard to the report of the Director of Central Services, the complaint received and the CCTV footage shown at the Hearing. In addition, the Panel had regard to the following elements of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy:-

- a. **Penalty for plying for hire without a licence** If the proprietor or part proprietor of any carriage, or any person so concerned as aforesaid, permits the same to be used as a hackney carriage plying for hire within the prescribed distance without having obtained a licence as aforesaid for such carriage, or during the time that such licence is suspended as hereinafter provided, or if any person be found driving, standing, or plying for hire with any carriage within the prescribed distance for which such licence as aforesaid has not previously obtained, or without having the number of such carriage corresponding with the number of the licence openly displayed on such carriage, every such person so offending shall for such offence be liable to a penalty not exceeding [level 4 on the standard scale].
- b. **'Hackney Carriage'** means a vehicle licensed under the Town Police Clauses Act 1847 to ply for hire throughout the district controlled by the Council.
- c. Hackney Carriage drivers may only ply for hire in a district where they are licensed. However they may undertake pre-booked work in any district.

The Panel listened carefully to evidence presented by the Driver and gave significant weight to the manner in which he had been treated by the other licensed drivers in this case. However, the Panel emphasised the seriousness of licensed drivers undertaking work that they were not entitled or licensed to do. The Panel also took into account a number of inconsistencies in the statement made by the Driver. For these reasons the Panel, therefore

RESOLVED: That the Dual Driver's licence for Hackney Carriage and Private Hire (15/01342/DUALDL) be suspended for a period of four weeks.

The meeting ended at 10.40 am
having commenced at 10.00 am