

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 8th June, 2018

Present: Cllr D Keers (Chairman), Cllr Mrs F A Kemp and Cllr M Taylor

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/46 DECLARATIONS OF INTEREST

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

LA 18/47 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 18/48 REVIEW OF A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 9/2018

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

The Panel was asked to consider whether the holder of a Probationary Private Hire Driver's Licence should have his licence suspended or revoked for failing to wear his driver's badge so that it was plainly and distinctly visible in contravention of s.54(2)(a) of the Local Government (Miscellaneous Provisions) Act 1976. The licence holder had been reported to the Panel following an enforcement exercise in Maidstone High Street at 02.40 hours on 22 April 2018 when he was found not wearing a driver's badge whilst working as a private hire driver and not in possession of a valid driver's badge.

The Panel found as a matter of fact that the badge holder's probationary private hire driver's licence had been extended for a further six months from 27 March 2018 at the request of his employer. The Panel found

that the driver had failed to collect his new badge from the Council's offices at Gibson Drive and had worked as a private hire driver between 27 March and 23 April 2018 on at least nineteen occasions without a valid driver's badge. The Panel was, therefore, satisfied that the badge holder had contravened s.54(2)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

The driver acknowledged that he had not picked up his badge from the Council's offices. He stated that he was aware that the new badge had been issued but had been unable to collect it because of difficult personal circumstances involving his children.

In its deliberations the Panel took into account Appendix G of the Council's Taxi Licensing and Enforcement Policy and Section 4 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy. After careful consideration of the circumstances the Panel

RESOLVED: That

- (1) the Driver be sent a formal warning letter; and
- (2) the Driver be issued with 12 penalty points which will stay on his record for 24 months from the date of this Hearing.

The meeting ended at 10.50 am
having commenced at 10.00 am