

**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 18/49 DECLARATIONS OF INTEREST**

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

**LA 18/50 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 18/51 REVIEW OF PRIVATE HIRE DRIVER'S LICENCE – CASE NO 10/2018**

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

The Panel was asked to consider whether the holder of a Private Hire Driver's Licence should have his licence suspended or revoked under s.61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 on the ground of any other cause, namely for using a mobile 'phone whilst driving. The licence holder had been reported to the Panel following an enforcement exercise in Maidstone High Street on 22 April 2018 when he was seen driving his private hire vehicle whilst using his mobile phone. The Panel was advised that this was a criminal offence under s.110 of the Road Vehicles (Construction and Use) Regulations 1986, attracting a fine of up to £1,000 and 3 to 6 penalty points.

The driver admitted that he had been using his mobile 'phone whilst driving and said that it was a mistake. He apologised to the Panel and promised not to make the mistake again.

The Panel found as a matter of fact that the driver had been using his mobile 'phone while driving and that he had expressed remorse. Nonetheless, the Panel made it clear to the licence holder that it took this matter extremely seriously and advised him that the Council was committed to ensuring the safety of the public and expected higher standards from its licensed drivers.

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 Private Hire Driver's Licence be suspended for a period of six months; 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 11.46 am  
having commenced at 11.00 am