

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 22nd June, 2018

Present: Cllr M A Coffin (Chairman), Cllr O C Baldock and Cllr Mrs B A Brown

Together with representatives of the Licensing Authority and Kent County Council.

PART 1 - PUBLIC

LA 18/64 DECLARATIONS OF INTEREST

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

LA 18/65 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 18/66 REVIEW OF PRIVATE HIRE OPERATOR'S LICENCE – CASE NO 11/2018

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

The Panel was asked to consider whether any action should be taken against a current Private Hire Operator following the receipt of information from Kent County Council that a driver had been sent to carry out a school run but had been unable to produce a private hire driver's licence when challenged by a KCC School and Client Transport Inspector.

The Panel had regard to the report of the Director of Central Services and Monitoring Officer, the statement made by the KCC School and Client Transport Officer (as set out at Annex 2 to the report) and the Tonbridge and Malling Hackney Carriage and Private Hire Licensing Policy in respect of private hire operators. The Panel noted that the

Policy required that an Operator should ensure that every driver engaged by him had obtained a private hire driver's licence from the same Licensing Authority which had issued the private hire operator's licence and that the driver wore the badge in a conspicuous place at all times whilst available for bookings.

The Panel listened carefully to the explanation of the circumstances which had led to the Operator allowing an unlicensed driver to carry out a school run. The Operator explained that he believed that his driver did have the appropriate driver's licence but had subsequently realised that he had confused a driver's carer's badge with a driver's badge issued by the Council and had, therefore, made a mistake. The Operator further explained that, due to a family bereavement, the usual office administrator had been absent and that this had contributed to the error.

The Panel was satisfied that the licence holder had operated a vehicle as a private hire vehicle when the driver of that vehicle did not have a current private hire vehicle driver's licence in contravention of s.46(1)(e)(ii) of the Local Government (Miscellaneous Provisions) Act 1976 and, on that basis, found that it was appropriate to suspend his private hire operator's licence. The Panel, therefore

RESOLVED: That Private Hire Operator's Licence Number 171 OPER be suspended for 1 month.

The meeting ended at 11.01 am
having commenced at 10.00 am