

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 25th January, 2019

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs B A Brown and Cllr R V Roud

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 19/9 DECLARATIONS OF INTEREST

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

LA 19/10 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 PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

LA 19/11 COMPLAINT IN RESPECT OF A PRIVATE HIRE DRIVER LICENCE HOLDER - CASE NO 02/2019

(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 his bad behaviour towards another road user.

The Panel was advised that a complaint had been received from a member of the public regarding the licence holder's behaviour towards her and his poor driving. The Panel noted that the incident had been recorded on another road user's dash cam which had been supplied to the Licensing Team and was shown to the Panel at the Hearing. The licence holder admitted that he had made a mistake during the incident and apologised.

In its deliberations the Panel took into account the Council's Taxi Licensing and Enforcement Policy as well as the Institute of Licensing guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trade. In particular, section 3.32 of the guidance issued in April 2018 stated that

'Licensees are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them'.

The Panel found that the licence holder had been confrontational, deliberately tried to intimidate the complainant and had also contravened traffic laws by crossing a solid white line.

For these reasons the Panel

RESOLVED: That Private Hire Driver's Licence Number 18/00038/PHDL be SUSPENDED for a period of one year.

The meeting ended at 12.08 pm
having commenced at 11 am