

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Wednesday, 24th February, 2021**

**Present:** Cllr H S Rogers (Chairman), Cllr A E Clark and Cllr R V Roud

Together with representatives of the Licensing Authority

**PART 1 - PUBLIC**

**LAP 21/4 DECLARATIONS OF INTEREST**

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

**LAP 21/5 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)**

**LAP 21/6 REVIEW OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS  
LICENCE - CASE NO 02/2021**

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

The Panel was asked to consider whether the holder of a Hackney Carriage and 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 driving without due care or attention when passing a group of cyclists.

The report of the Director of Central Services and Deputy Monitoring Officer set out details of a complaint received from a member of a cycling group regarding the licence holder's driving and overtaking manoeuvre.

The Panel took into account the Council's Taxi and Licensing Enforcement Policy on determining the suitability of applicants and

licensees in the hackney carriage and private hire trade. Particular reference was made to section 1.4.4 which stated that Public Safety was a paramount consideration when processing prospective candidates by ensuring that only fit and proper persons were licensed to be entrusted to drive members of the public safely, professionally and courteously. Section 14.7.1 required licence holders to drive with care and due consideration for other road users and pedestrians and to obey all Traffic Regulation Orders and directions at all time.

The Panel had regard to the report of the Director of Central Services, the written and video representations received from the complainant, the oral evidence presented by the Licensing Officer and the licence holder and to the comments made in support of the driver by his Private Hire Operator. Based on the evidence presented the Panel determined that:-

1. The licence holder did not dispute any of the evidence presented to the Panel. He confirmed that he had attended a "What is Driving Us" educational course after he was reported to the Police for driving without due care and attention.
2. The licence holder acknowledged that, as a taxi driver, he had even greater responsibilities than those of a normal road user. He admitted that he had made an error of judgement and apologised wholeheartedly for that. He had attended a driving course and now recognised more than ever the need to give cyclists time and space and that he must not become complacent as a driver. He wanted his apology to be forwarded to the complainant if at all possible.
3. The licence holder had advised the Panel that he had been driving for a long time and had thirty years 'No Claims Bonus'. He said he had a clean record and understood the concerns of cyclists as he was a cyclist himself of ten years standing.
4. The Private Hire Operator confirmed that the licence holder had a good record and had received a number of compliments from his customers, particularly the elderly ones. The Operator was of the opinion that the licence holder was a good and courteous driver who was always ready to go the extra mile.
5. The Panel found the licence holder to be credible and believed his remorse and apology to be genuine. Bearing in mind that he had already attended a driving course recommended by the Police and had attended the Hearing today, the Panel concluded that it would not be necessary to impose any additional sanction on the licensee.
6. The Panel advised the licence holder that, if he made any more errors of judgement in the future and the Council received any further complaints, this incident may be taken into account in deciding on the appropriate course of action. The Panel confirmed that if the Driver wrote a letter of apology to the complainant the Licensing Team would endeavour to get that apology passed on.

The Panel, therefore

**RESOLVED:** That no further action be taken in respect of Case Number 02/2021.

The meeting ended at 3.22 pm  
having commenced at 2 pm