

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 26th August, 2015

Present: Cllr Mrs J A Anderson (Chairman), Cllr H S Rogers and Cllr M Taylor

Councillors Mrs B Brown and F Tombolis were also present as observers for training purposes.

Together with representatives of the Licensing Authority.

PART 1 - PUBLIC

LA 15/68 DECLARATIONS OF INTEREST

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

LA 15/69 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 15/70 REVIEW OF PRIVATE HIRE OPERATORS LICENCE – CASE NO 16/2015

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

The Panel gave consideration to the report of the Director of Central Services and Monitoring Officer regarding the review of a Private Hire Operator Licence following the receipt of information that an employee had been driving a Licensed Private Hire Vehicle prior to the granting of a Probationary Private Hire Driver's Licence.

The Panel listened carefully to the representations made by the Operator who explained that the company's Administrator, on being advised that the application was being processed, had assumed that the applicant for the driving licence was able to drive prior to receipt of his badge. The Operator acknowledged that this had been an erroneous

assumption and that the driver should not have undertaken any work until he had received his licence and badge.

The Panel had regard to the report of the Director of Central Services, noted the standards expected of Private Hire Operators in the Council's Hackney Carriage and Private Hire Policy (as set out in paragraphs 1.3.1 to 1.3.5 of the report) and expressed grave concern that the Operator had failed meet these standards. The Panel was particularly concerned that the Operator had failed to ensure the safety of the vulnerable children who had been passengers in a vehicle driven by an unlicensed driver. The Panel therefore

RESOLVED: That the Private Hire Operator be issued with a written warning for failing to comply with the primary objective of ensuring the safety of the public and that he be advised that any future breaches would lead to a further review of his licence which could result in the revocation of his Private Hire Operator's Licence.

The meeting ended at 2.24 pm
having commenced at 1.55 pm