

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Tuesday, 15th March, 2016**

**Present:** Cllr R W Dalton (Chairman), Cllr Mrs F A Kemp and Cllr S M King

Together with representatives from the Licensing Authority and the applicant.

As an apology for absence had been received from Councillor Mrs J A Anderson in advance of the meeting Councillor Mrs F A Kemp was appointed to serve on the Panel

**PART 1 - PUBLIC**

**LA 16/10 DECLARATIONS OF INTEREST**

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

**LA 16/11 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 16/12 REVIEW OF A DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE (CASE NO 4/2016)**

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

Consideration was given to the report of the Director of Central Services and Monitoring Officer regarding a review of a dual hackney carriage and private hire drivers licence following a formal complaint received from a member of the public.

It was alleged that the applicant was abrupt, very rude and refused to take the complainant and her daughter, who had a tube in her stomach, a bag with special pump and pushchair on the requested journey. Items placed in the boot of the taxi were allegedly removed, placed on the

footpath and the applicant drove off with another fare. The incident had occurred at Waterloo Road, Tonbridge (station taxi rank).

Copies of the individual's current licence and the complaint were attached as Annexes 1 and 2 respectively to the report.

Reference was made to two further complaints received and these were tabled as evidence at the meeting:

Complaint 2 related to a passenger with a knee replacement wanting to sit in the front of the taxi when the applicant advised they would have to sit in the back seat.

Complaint 3 alleged that the applicant would not take a female passenger to their home address due to parked cars and lack of turning. This resulted in the complainant having to walk down a dark street on her own at 2200 hours.

The Panel made the following findings:

- The Panel listened carefully to the applicant, the evidence presented and also had regard to the written report of the Director of Central Services; and
- The Panel noted the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Licensing Policy.

For these reasons, the Panel therefore

**RESOLVED** that:

- (1) In relation to Complaint 1, it appeared to the Panel that there had been a misunderstanding over who had been 'first in the queue' at the taxi rank. It appeared that the applicant had been waiting in the correct place and when discussions became heated took steps to remove himself from the situation.

The Panel found no reason on which to uphold the complaint.

- (2) In relation to Complaint 2, the Panel was concerned that the applicant, due to his mannerisms, might appear outwardly to others as being rude or aggressive. The Panel advised the applicant that he should take into consideration how he appeared to other people when conducting himself as a taxi driver.

The Panel found no reason to uphold the complaint in this case.

- (3) In relation to Complaint 3, the Panel understood the applicant's reasons for not wishing to drive to the address in question, due to the potential risk to his vehicle. However, the Panel stressed that all

drivers had a duty of care to their passengers and must treat them fairly. Drivers should bear in mind that their passengers might be vulnerable, whilst not necessarily appearing so. The Panel expected its licensed drivers to deliver passengers to their desired locations even if that required the driver to undertake potentially difficult manoeuvres. It had been open to the applicant to ask the passenger about alternative turning arrangements and this did not appear to have been done.

The complaint was, therefore, upheld but the Panel decided to take no further action.

The meeting ended at 7.52 pm  
having commenced at 7.00 pm