

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 18th February, 2015

Present: Cllr C Brown (Chairman), Cllr Mrs J A Anderson and Cllr M Taylor

Together with representatives of the Licensing Authority and Kent County Council's Business Manager for Public Transport.

PART 1 - PUBLIC

LA 15/7 DECLARATIONS OF INTEREST

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

LA 15/8 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 15/9 REVIEW OF A DUAL DRIVER'S LICENCE FOR HACKNEY CARRIAGE AND PRIVATE HIRE - CASE NO 3/2015

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

The Panel was asked to consider whether any action should be taken in respect of a holder of a Dual Driver's Licence for Hackney Carriage and Private Hire following receipt of information from Kent County Council (KCC) Transport Integration (School Contracts Team) relating to an enforcement operation undertaken by KCC. Additionally, the Panel was advised that information received from the Driver and Vehicle Licensing Agency (DVLA) had shown a SP30 speeding fixed penalty which had not been declared on the licence holder's renewal application.

The Panel waited until 12.10 pm for the Driver to arrive and several attempts were made to contact him. The Hearing took place in the Driver's absence and the Panel had regard to the report of the Director of Central Services and Monitoring Officer and to the representations

made by Kent County Council's Business Manager for Public Transport. The Panel found that

- (1) on the basis of the evidence presented, the Driver had undertaken school contracts with young and vulnerable persons using an unlicensed private hire vehicle contrary to Section 46(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976;
- (2) the Driver had also failed to display a private hire vehicle plate on that vehicle contrary to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976;
- (3) the evidence indicated that the Driver had, in addition to the offences noted above, conducted himself in a manner which failed to ensure the safety of passengers;
- (4) furthermore, the Driver appeared to have driven the replacement vehicle with no insurance or inadequate insurance for the vehicle;
- (5) the Driver's behaviour on 24 November 2014 at Heath Farm School, Egerton, where he tried to evade the Transport Integration Inspector, was not fit and proper behaviour of a licensed taxi driver; and
- (6) it was noted that, considered against the Council's penalty points system, the total number of points which might be accumulated in respect of the above matters was very high.

The Panel, therefore

RESOLVED: That

- (1) the Driver's Dual Drivers Licence for Hackney Carriage and Private Hire (Badge No 3043) be revoked pursuant to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976; and
- (2) the offences which appeared to have been committed under the Local Government (Miscellaneous Provisions) Act 1976 be investigated by officers with a view to considering whether it was appropriate to commence a prosecution for those offences.

The meeting ended at 1.00 pm
having commenced at 12.10 pm