

LICENSING HEARING

Minutes of the meeting held on 1 September 2014 commencing at 10.30 am

Present: Cllrs. Mrs. Parkin, Pett and Raikes

Also present	Ms.L. James	-	Complainant
	Mrs. L. Leeds	-	Licensing Officer
	Mr. D. Lagzdins	-	Legal Advisor
	Mrs. C. Sinclair	-	Acting Democratic Services Officer

1. Appointment of Chairman

Resolved: That Cllr. Pett be appointed as Chairman of the meeting.

2. Declarations of Interest

There were no additional declarations of interest.

3. Review of Hackney Carriage Driver's Licence

The Hearing gave consideration to a report by the Chief Officer Environmental & Operational Services giving details of a complaint received regarding the Licensee's driving on 24 April 2014. The complaint was that the driver of the taxi began to drive away when one of the complainant's children was not fully in the car.

The report requested that the Committee consider the complaint and consider the appropriate action to take, including its powers under section 61 of the Local Government (Miscellaneous Provisions) Act 1976 to suspend his licence.

The Hearing noted that the Licensee was not in attendance but had submitted a statement. The Hearing was shown CCTV footage of the incident which the Licensee had seen previously. The Hearing heard from the Complainant. She explained that the Licensee had driven the family on other occasions. At the time of the incident the children had not been arguing or climbing over the seats. She added that if she had not been holding on to her youngest child's hand when the vehicle began to move then the outcome would have been different.

Members asked questions of clarification of the Complainant and were advised that a security guard had watched the incident from the CCTV room. A police report had been made but it had not been followed up. The Complainant had requested her eldest child to move from the back seat to the front seat. She could not remember what was said in the conversation after the incident between herself and the Licensee.

The Complainant summarised that the incident had affected her children and that her youngest would not now go into taxis which had caused problems with getting the children to school and nursery. Her youngest child was under assessment for the impact the incident had on existing medical conditions.

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At 10:55 a.m. the Hearing Members withdrew to consider the issues raised accompanied by the Council's Legal Advisor and the Clerk to the Hearing for the purpose of providing advice only.

At 11:43 a.m. the Hearing Members Council's Legal Advisor and the Clerk to the Hearing returned to the Council Chamber.

The Chairman advised the Hearing that the Sub-Committee had had regard to the evidence provided by the Complainant and the CCTV footage which showed that the Licensee had driven off with the door wide open. He advised that they were not persuaded by the written evidence of the Licensee, in particular with regard to the alleged unruly behaviour of the children and the CCTV footage showed them being children. As a taxi driver there must be an expectation that there could be young children. It was regrettable that the Licensee had not attended the hearing, sent a representative or requested an alternative date or time. Full regard had been given to the evidence in the Licensee's statement and supporting testimonials.

The Licensee had not conducted himself in a way that met the standards expected of a holder of a Sevenoaks District Council Hackney Carriage Drivers Licence. The Sub-Committee had considered the incident and what may have resulted, and that the Licensee relied on his job for his family's income.

It was therefore resolved that

- (a) the Licensee's licence be suspended for three months, to take effect from 21 days from notice of the decision, to enable him to reflect upon the incident and its actual and possible consequences to enable him to become a fit and proper person to hold a licence again; and
- (b) the Licensee retake the Driving and Vehicle Standards Agency taxi assessment before his licence be restored.

THE MEETING WAS CONCLUDED AT 11.47 am

Chairman