

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Tuesday, 8th January, 2008

Present: Cllr A W Allison (Chairman), Cllr J R H Clements, Cllr Mrs F A English, Cllr Mrs S L Luck and Cllr Miss J L Sergison.

PART 1 - PUBLIC

**LA
08/001** **DECLARATIONS OF INTEREST**

There were no declarations of interest made.

MATTERS FOR CONSIDERATION IN PRIVATE

**LA
08/002** **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
08/003** **CASE NO 06/01: HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S
LICENCE
(Reason: LGA 1972 Sch 12A Para 1 - Information relating to an
individual)**

The Chief Solicitor reported that the Licensing and Appeals Panel had previously considered this driver's conduct on 19 June 2006 and had resolved at that time that he be placed on probation for a period of twelve months. During that period he was expected to conduct himself properly and abide by all legal requirements.

The driver appeared before the Panel in person in respect of eight further matters, five of which occurred during his period of probation. The driver explained the circumstances relating to each of the complaints. By his own admission, four of the matters were wholly or partly true. One related to his standard of driving, where he admitted that he had a tendency to drive too fast, and the others related to the carrying of passengers in accident-damaged vehicles. At the hearing, the driver also disclosed that another complaint had been made about him in respect of his standard of driving by the manager of an hotel.

The Panel considered that they had given the driver every opportunity to mend his ways, but these were very serious matters which had the potential to put members of the public at risk. Accordingly, the Panel considered that they had no option but to revoke the driver's licence.

RESOLVED: That the Chief Solicitor be authorised to revoke the driver's licence.

LA
08/004

**UPDATE ON CASE NO 07/05: HACKNEY CARRIAGE/PRIVATE
HIRE DRIVER'S LICENCE**

(Reason: LGA 1972 Sch 12A Para 1 - Information relating to an individual)

The Chief Solicitor reported that the Licensing and Appeals Panel had previously considered this driver's conduct on 6 December 2007 and had resolved at that time that he be placed on probation for a period of two years. During that period he was expected to conduct himself properly and abide by all legal requirements.

Since that hearing, information had been received that:

- (1) the driver had been involved in a further incident in respect of which his vehicle had been seized under section 59 of the Police Reform Act 2002;
- (2) the driver had been arrested on 4 January 2008 for an offence of dishonesty, namely aiding and abetting shoplifting; and
- (3) the driver had been charged with an offence of harassment of his ex-partner.

As a result, the driver was required to appear again before the Panel, but did not attend. The Panel adjourned the case until 28 January 2008, when the driver would be required to attend as the Panel may wish to consider revocation of his licence. The driver was to be informed that if he did not attend, the matter may be dealt with in his absence. In view of the seriousness of the matter, the Panel directed that the driver's licence be suspended until the hearing on 28 January 2008.

RESOLVED: That

- (1) the case be adjourned until 28 January 2008; and
- (2) the Chief Solicitor be authorised to suspend the driver's licence until the hearing on 28 January 2008.

The meeting was adjourned to 28 January 2008 at 2030 hours