

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Monday, 27th April, 2015

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

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 15/33 DECLARATIONS OF INTEREST

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

LA 15/34 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 15/35 REVIEW OF AN EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE AND PROPOSED DUAL DRIVER'S LICENCE – CASE NO 6/2015

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

The Panel was advised that, following the receipt of information from Kent Police, a Hackney Carriage Driver's Licence and a Dual Driver's Licence had been suspended on Tuesday 7 April 2015 pursuant to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 as amended by Section 52 of the Road Safety Act 2006. The Panel was asked to consider whether the suspension should be lifted, upheld or whether any other action should be taken.

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. The Panel found that

1. The Panel considered the information given and noted that the Driver had been bailed to 20 May 2015 pending further enquiries with the following relevant condition:
 - a. Not to convey female passengers unless accompanied by a male passenger for the entire duration of any journey and at no point to be alone with a female passenger during the course of his employment.
2. The Panel noted that the Suspension of the Hackney Carriage Driver's Licence (until 23 April 2015) and the Dual Driver's Licence for Hackney Carriage and Private Hire (from 24 April 2015 to 23 April 2018) would run until 20 May 2015 at the end of the current bail period.

The Panel recognized the seriousness of the offence of "Sexual Assaults" and that the Driver had been arrested on 27 March on suspicion of "Sexual Assaults" and noted that, at this stage, he had been neither charged nor convicted of any offence.

For these reasons the Panel therefore

RESOLVED: That the suspension stay in place until 20 May 2015 when it would be reviewed.

The meeting ended at 11.03 am
having commenced at 11.00 am