

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

PART 1 - PUBLIC

LA 15/10 DECLARATIONS OF INTEREST

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

LA 15/11 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 15/12 SUSPENSION OF DUAL HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - CASE NO 4/2015

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

The Panel was advised that, following the receipt of information from Kent Police, a Dual Driver's Licence had been suspended on Friday 13 February 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 Panel was made aware that the Licensing and Community Safety Manager had spoken to the Driver who was not aware that he should attend the Hearing. 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 Council had been notified by Kent Police on 13 February 2015 that the Driver had been charged with 24 sexual offences;
- (2) the Council had been advised that bail was subject to a condition that the Driver must not have any unsupervised contact with any child under 16 years;
- (3) the Council understands that the taxi firm (through whom the Driver carried out private hire work) had advised Kent Police that the Driver had not been doing school runs since his arrest in 2013 and that the company policy is that they do not take unsupervised minors;
- (4) notwithstanding the above, as a Licensing Authority, the Panel had no confidence that the Badge Holder's role as a licensed hackney carriage and private hire driver would not bring him into contact with young or vulnerable persons;
- (5) furthermore, the Licensing Authority had no confidence that the steps taken by the taxi firm or the Driver's own mode of operation as a Dual badge holder would satisfactorily mitigate the risk to the general public; and
- (6) it was noted that there would be a Court hearing on 17 April 2015.

The Panel, therefore

RESOLVED: That the suspension notice remain in place until after the outcome of any trial (including any appeal) in relation to the offences which have been charged.

The meeting ended at 1.15 pm
having commenced at 1.00 pm