

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 15th December, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr H S Rogers and Cllr R V Roud

Together with representatives from the Licensing Authority and the Licensed Driver

PART 1 - PUBLIC

LA 16/103 DECLARATIONS OF INTEREST

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

LA 16/104 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 16/105 REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE – CASE NO 24/2016

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

Consideration was given to the report of the Director of Central Services and Monitoring Officer regarding a review of a Hackney Carriage Driver's Licence (Badge No 1521) following complaints by three drivers concerning an incident at the taxi stand, Waterloo Road, Tonbridge on the evening of 28 October 2016. The Panel was asked to determine whether the licence holder should still be considered a fit and proper person to hold a licence in light of the complaints received by the Licensing Authority. Copies of the Statements were set out in Annexes 2 to 5 of the report and an additional Written Statement by the licence holder was submitted to the hearing.

The Panel had regard to the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy and in particular to section 17.2.1(C) which required drivers to behave in a civil, orderly and responsible manner at all times; section 17.3(A) which required drivers to ensure that they were courteous at all times when talking to anyone, especially customers and section 17.5(B) which stated that the hackney carriage at the top of the rank would take the customer to any destination within the Borough regardless of how short the journey may be.

The Panel listened carefully to the information provided by the licence holder and concluded that there was a history of unacceptable behaviour between the Driver and a number of other drivers on the taxi rank. The Panel noted that, while it had received contradictory evidence from a number of people, it was apparent from the Driver's evidence that he had been involved in altercations and that this was a Breach of the Hackney Carriage and Private Hire Drivers' Code of Conduct. In light of the evidence heard by the Panel it

RESOLVED: That Hackney Carriage Driver (Badge No 1521) be issued with a written warning reminding him of the Code of Conduct and advising that this would remain on his file and may be taken into account in any future disciplinary action.

The meeting ended at 12.06 pm
having commenced at 11.18 am