

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Monday, 18th July, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr O C Baldock and
Cllr H S Rogers

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 16/55 DECLARATIONS OF INTEREST

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

LA 16/56 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 16/57 DUAL HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE
(CASE NO 013/2016)**

**(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 formal complaint received from a member of the public about the holder of a Dual Hackney Carriage and Private Hire Licence (15/00234/DUALDL) following an incident during a journey from Waterloo Road (Station taxi rank) to the home address of the complainant. The complainant alleged that the Driver had shouted and become very aggressive when asked to provide a receipt and had driven the complainant back to Waterloo Road while the latter was talking to a 999 Police Operator on his mobile 'phone.

The Panel listened carefully to the information provided by the Licence Holder, who was supported by his legal adviser at the Hearing. A

representative of Kent Police also attended in order to present details of a 999 police operator call made at the time of the incident which was alleged to have taken place on Tuesday 5 July at approximately 23.45 hours. The Panel had regard to the report of the Director of Central Services and to the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Licensing Policy and made the following findings:-

1. The Panel made reference to the key pieces of evidence, read through the transcript of the formal interview undertaken with the Licensed Driver, heard a contemporaneous recording of a 999 call made by the passenger in the taxi (the complainant) and heard in person from the Licensed Driver.
2. The Panel was very concerned at the behaviour of the licence holder in his role as a licensed taxi driver.
3. It was clear from the 999 call that the Driver had been asked to stop to allow the passenger out, which he then refused to do. It was also clear that the passenger perceived that the Driver drove too fast and it was apparent from his subsequent email to Licensing Services that he had been frightened by the experience and was concerned for his own safety.
4. It was apparent from the Driver's evidence before the Panel that he did not believe that he was at fault and he had not sought to apologise for his behaviour. Furthermore, it was apparent that the Driver, despite being asked four times to show identification, had refused to provide this to the passenger. The Driver confirmed that he was not wearing his badge, which was a legal requirement.
5. The Panel was unconvinced by the evidence given by the Driver during the Hearing.

For these reasons the Panel therefore

RESOLVED: That the Dual Hackney Carriage and Private Hire Driver's Licence (numbered 15/00234/DUALDL) be revoked.

The meeting ended at 11.05 am
having commenced at 9.30 am