

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

MINUTES

Friday, 10th September, 2021

Present: Cllr C Brown (Chairman), Cllr Mrs F A Kemp and Cllr R V Roud
Together with representatives from the Licensing Authority.

PART 1 - PUBLIC

LAP 21/19 DECLARATIONS OF INTEREST

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

LAP 21/20 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

LAP 21/21 REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE – CASE NO. 04/2021

(Reasons: LGA 1972 Sch 12A Paragraph 1 – Information relating to any individual)

The Licensing and Appeals Committee, sitting as a Panel, was asked to consider what action should be taken in respect of the holder of a dual Hackney Carriage and Private Hire Vehicle Driver's licence who had been issued with a Community Resolution Record by the Police following admission to behaviour that would amount to a Public Order Offence.

The Panel had regard to the report of the Director of Central Services and Deputy Chief Executive and annexes which contained the Kent Police Community Resolution Record, the Witness Statement of the Driver and the Witness Statement of PC 13293. In addition, the Panel

had regard to the TMBC Licensing Policy 2018-2023 and, in particular, Section 1.4.4 – Public Safety is a paramount consideration.

The Panel heard from the Driver that when the incident happened he was “in total fear for his life” and believed that he may be about to be mugged. He had needed to “veer off” and considered that “they could have pushed [him] off the road”. It was noted that there had been 3 people in the other vehicle and a German Shepherd Dog.

The Panel took account of the fact that the Driver had been licenced with the Council for 14 years and had a clean record. It was noted that the Driver had no previous convictions or cautions. The Panel also took in account that the Driver had notified a police officer himself as soon as the incident had happened and that he had notified the Council of the Community Resolution. It was clear to the Panel that the Driver had been acting out of fear and in self-defence. The Driver had accepted his wrongdoing at the earliest opportunity and had shown genuine remorse.

For these reasons the Panel

RESOLVED: That no action be taken in respect of Case Number 004/2021.

The Panel advised the Driver that, if a similar incident occurred in the future, he should not involve himself but should involve the Police immediately.

The meeting ended at 10.19 am
having commenced at 10 am