

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

MINUTES

Wednesday, 21st September, 2022

Present: Cllr Mrs F A Kemp (Chair), Cllr D W King and Cllr R V Roud

Together with representatives of the Licensing Authority and the licence holder.

PART 1 - PUBLIC

LAP 22/34 DECLARATIONS OF INTEREST

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

LAP 22/35 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 22/36 REVIEW OF PRIVATE HIRE LICENCE - CASE NO 010/2022

The Licensing and Appeals Committee, sitting as a Panel, was asked to consider whether any action was appropriate in respect of a Private Hire Vehicle Driver licence holder following allegations of false imprisonment/kidnapping. A dispute had arisen over whether a fare was prepaid or metred.

Careful consideration was given to the information provided in the report of the Director of Central Services and Deputy Chief Executive, the Licensing Policy and national guidance. It was clear that public safety was an overriding concern and of paramount importance and that licensed drivers should not take the law into their own hands.

The Panel took into account all of the evidence provided, including a verbal account from the driver, and felt that it should have been clarified with the operator at the start of the journey whether a fare had been

agreed. The Panel also considered the action taken by the driver inappropriate in light of national guidance.

For these reasons, the Panel

RESOLVED: That the licence be suspended for a 3 month period.

The meeting ended at 1130
having commenced at 1145