

LICENSING SUB-COMMITTEE

Friday, 7 April 2017

**Present: Councillor Heasman (Chairman)
Councillors Nuttall and Woodward**

Officers in Attendance: Robin Harris (Senior Lawyer (Contentious)), Sharon Degiorgio (Senior Licensing Officer) and Cheryl Clark (Democratic Services Officer)

Other Members in Attendance: Councillor Backhouse.

APOLOGIES FOR ABSENCE

LSC1/15 No apologies were received.

DECLARATIONS OF INTEREST:

LSC2/15 No declarations of interest were made by members at the meeting.

EXEMPT ITEM

RESOLVED – That, pursuant to section 100A (4) of the Local Government Act 1972 and the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act, by virtue of the paragraphs shown below:

Paragraph (1) – Information relating to any individual.

Paragraph (2) – Information which is likely to reveal the identity of an individual.

Paragraph (7) – Information relating to any action taken, or to be taken, in connection with the prevention, investigation or prosecution of crime.

REVIEW OF A CURRENT LICENSED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER

LSC3/15 The Chairman opened the meeting, introduced Committee members and officers in attendance, and outlined procedural matters of the meeting.

Mrs Degiorgio, the Senior Licensing Officer, presented a report for the determination of a review of a Hackney Carriage and Private Hire Driver's Licence and displayed a short extract from CCTV footage illustrating Licence Holders 'ranking up' in a Restricted Parking Zone'.

The Licence Holder was given the opportunity to make a statement and answer questions. He was accompanied by his brother who also spoke in his support. Although he had been a taxi driver for 10 years, the Licence Holder explained that he had not been working much since having been assaulted. He claimed he had not been aware of the restricted parking area until he was recently shown a map by other taxi drivers. He acknowledged, however that he had effectively committed the offences set out in the officer's report.

The Sub-Committee retired to consider their decision. The Sub-Committee did not find it credible that a licensed Hackney Carriage driver of 10 years experience was unaware until recently of where he was legally permitted to

park in Tunbridge Wells Town Centre. Consequently, the Sub-Committee felt that a suspension was appropriate.

In accordance with the provisions of Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, notice was given that Tunbridge Wells Borough Council had decided to suspend the Hackney Carriage & Private Hire Driver's Licence for a period of 16 days commencing 21 days after the service of this notice.

The Licence Holder was advised that he had 21 days, commencing 7 April 2017 and ending 28 April 2017 during which he might appeal this decision. He was able to continue as a licensed driver during this period. The suspension would be effective for 16 days from **00.01 on 29 April 2017 until 00.01 on 15 May 2017**, during which time he was prohibited from acting as a licensed driver. The suspension would cease to be effective from 00:01 hours on 15 May 2017 onwards.

RESOLVED that the driver's Hackney Carriage & Private Hire Driver's Licence be suspended for a period of 16 days commencing 21 days after the serving of the notice.

NOTE: The meeting concluded at 4.00 pm.