

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

28 January 2008

Report of the Chief Solicitor

Part 1- Public

Matters for Information

1 ARRANGEMENTS FOR PANEL HEARINGS

- 1.1.1 When a taxi driver is called to appeal before a Licensing and Appeals Panel, it is our practice to give the driver a minimum of 21 days' written notice of the hearing. If they are unable to attend on the first date, it has always been our practice to allow them to defer until the next meeting.
- 1.1.2 At a recent meeting of the Panel, the question was raised whether it was appropriate to allow a driver to defer a hearing in circumstances where he had previously been placed on probation by the Panel and the case related to a breach of the probation order.
- 1.1.3 As a result, I propose to change the way we deal with such cases and only to allow the driver to defer the hearing in circumstances where he or she can produce credible evidence of a genuine reason why he or she cannot attend on the original date. Where possible, I will try to give the driver 28 days notice in those circumstances to give them sufficient warning and adequate time to take any professional advice that may be appropriate.

1.2 Legal Implications

- 1.2.1 To comply with the Human Rights Act 1998, all hearings have to be conducted in a manner which satisfies the "fair trial" provisions in the European Convention on Human Rights. This arrangement does not compromise that principle.

1.3 Financial and Value for Money Considerations

- 1.3.1 None

1.4 Risk Assessment

- 1.4.1 Not applicable

Background papers: None

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Chief Solicitor