

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

MINUTES

Wednesday, 9th August, 2023

Present: Cllr M Taylor, Cllr D Keers (Chairman) and Cllr R W G Oliver

PART 1 - PUBLIC

LAP 23/10 DECLARATIONS OF INTEREST

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

LAP 23/11 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 23/12 REVIEW OF PRIVATE HIRE DRIVER'S LICENCE - CASE NO 003/2023

The Licensing and Appeals Committee, sitting as a Panel was asked to consider whether any action was appropriate in respect of a holder of a Private Hire Driver's licence, following the receipt of information from Kent County Council (KCC) School Contracts Team.

The report of the Director of Central Services and Deputy Chief Executive advised that an enforcement operation had been carried out by a KCC Transport Compliance Inspector at a school on 15 May 2023. The Inspector saw the licence holder driving a car which displayed an out-of-date private hire plate. The plate had expired on 4 May 2023, meaning that the vehicle was no longer licensed to be used as a private hire vehicle. Although a renewal application had been submitted by the operators of the vehicle, the MOT and compliance test had not been carried out and the new plates had not been collected.

When the inspector asked to see the licence holders Private Hire badge, they could not produce it.

The Panel listened carefully to all the information provided and were satisfied on the balance of probabilities that the licence holder had failed to comply with some of the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

The Panel was satisfied that on 15 May 2023 the licence holder did not have their driver's badge with them in contravention of s.54 (2) of the Act although they believed that the licence holder had made a mistake in taking their carer's badge instead of their driver's badge when they left the house in the morning.

The Panel was also satisfied that the Licence Holder had used an unlicensed vehicle whilst working as a private hire driver. The panel emphasised to the licence holder that they needed to take full responsibility for any vehicle that they drove to ensure it was properly licensed and was displaying valid plates.

Taking into consideration everything that the Licence holder had said at the hearing, and the fact that they had acknowledged a number of shortcomings on their part, the panel imposed 3 penalty points under Appendix H of the Council's Hackney Carriage and Private Hire Policy.

RESOLVED: That, in respect of Case Number 003/2023, three penalty points be imposed on the Private Hire Driver's licence.

The meeting ended at 11.01 am
Having commenced at 10.20 am