

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 23/13 DECLARATIONS OF INTEREST

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

LAP 23/14 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 23/15 REVIEW OF A PRIVATE HIRE OPERATORS LICENCE - CASE NO 004/2023

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 Operators licence, following receipt of information from Kent County Council (KCC) School Contracts Team.

An enforcement operation was carried out by a KCC Transport Compliance Inspector at a school on 15 May 2023. Whilst at the school, the Inspector observed a car being used as a private hire vehicle when the displayed private hire plate had expired on 4 May 2023.

The vehicle was licensed to an individual and although a renewal application had been submitted, the MOT and compliance test had not been carried out and the new plates had not been collected. This meant that the licensed driver, carrying out the school contract was doing so in an unlicensed vehicle.

The panel carefully considered all the relevant information supplied in the report and everything they heard at the hearing. The Panel was satisfied that the operator, and its directors, had permitted one of their vehicles to be used in a controlled district as a private hire vehicle without having for that vehicle a current licence under s.48 of the Local Government (Miscellaneous Provisions) Act 1976 in contravention of s.46 (1)(a) of the Act.

Under section 62 of the Act, the Panel noted that they could have suspended or revoked the operator's licence and seriously considered both of those options. The Panel also took note of the bereavement suffered by the operator at this time and how this may have impacted the running of the business.

In the circumstances and taking into account that both directors had admitted to various shortcomings in their administrative systems identified in the report and had promised to implement a number of significant changes and improvements in their management processes, the Panel decided to impose 9 penalty points on each director under appendix H of the councils Hackney Carriage and Private Hire Taxi Policy.

RESOLVED: That, in respect of Case Number 004/2023, nine penalty points be imposed on each director of the Private Hire Operators licence.

The meeting ended at 12.28 pm
Having commenced at 11.32 am