

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

MINUTES

Wednesday, 25th March, 2026

Present: Cllr K S Tunstall (Vice-Chair, in the Chair), Cllr B Banks, Cllr C Brown, Cllr A Cope, Cllr D Keers, Cllr D W King, Cllr J R S Lark, Cllr R W G Oliver, Cllr R V Roud and Cllr M Taylor

An apology for absence was received from Councillor C J Williams (Chair)

PART 1 - PUBLIC

LA 26/1 DECLARATIONS OF INTEREST

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

LA 26/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 26 November 2025 be approved as a correct record and signed by the Chairman.

LA 26/3 MINUTES OF PANEL

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 10 November 2025 be received and noted.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

LA 26/4 RESULTS OF CONSULTATION ON STREET TRADING POLICY RENEWAL

Further to Minute Number LA 25/19, as detailed in the [Minutes of 26 November 2025](#), a consultation on renewing the Borough Council's existing Street Trading Policy was undertaken and one response received from a responsible authority was presented for consideration.

The response from Environmental Health (attached at Annex 2) highlighted concerns that the requirement for staff working without the consent holder's supervision to hold a basic Disclosure and Barring Service (DBS) check was overly burdensome given potential high staff turnover.

As the Street Trading Policy was yet to be implemented and the exact number of staff likely to be working without the direct supervision of the consent holder for any length of time and requiring a DBS certificate was currently unknown, it was not proposed to amend this section of the Policy. However, this would be revisited if an undue burden on consent holders was identified. Members also noted that neighbouring local authorities had the same requirement in respect of DBS checks and this was considered best practice.

In recognition of ensuring that all licensable activities taking place within the Borough were granted the appropriate permissions under the relevant legislation, Cllr Tunstall proposed, Cllr Keers seconded and it was

***RECOMMENDED:** That the Street Trading Policy (attached at Annex 1) be commended for adoption.

***Recommended to Council**

MATTERS FOR DECISION UNDER DELEGATED POWERS

LA 26/5 REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2023-2028

The report of the Director of Planning, Housing and Regulatory Services presented a revised Hackney Carriage and Private Hire Licensing Policy for consideration (Annex 1).

Attention was drawn to the key revisions proposed to the adopted policy including changes to window specifications and visible light transmission; permanent signage to front side doors of vehicles to improve vehicle identification in the event of disputes; removal of reference to outsourcing Disclosure and Barring Service (DBS) checks and making it a mandatory requirement for all new driver applicants and all existing driver renewal applicants to sign up to the online DBS service.

Members recognised the importance of ensuring only fit and proper persons and suitable vehicles were licensed in the interests of public safety. However, concern was expressed regarding the proposed changes to window specifications which could exclude a large proportion of available vehicles and impact local taxi businesses due to cost and inability to change windows to compliant variants. It was noted that the proposal was considered best practice and in line with the Department for Transport's 2023 guidance.

There was in-depth discussion on whether the Borough Council should adopt the figure proposed in the report or consider manufacturer settings instead. Concern was expressed about the fairness and practicality of the current and proposed window standards.

On the basis that the revised Policy would be subject to public consultation, Cllr Lark proposed, Cllr King seconded and the Committee supported the new wording for Appendix A Section 8.4 on window light transmission values as detailed in 3.1.2 of the report.

Reference was made to the proposals in respect of door signage and disappointment was expressed that the previously requested use of a QR code linking to a complaint form was no longer referenced. In response, there was a commitment to revisit this request and options to include a functional, dedicated online form and QR code would be explored as part of the public consultation.

RESOLVED: That

- (1) the revised Hackney Carriage and Private Hire Licensing Policy (attached at Annex 1) be agreed for publication consultation, subject to:
 - (i) the inclusion of new wording of Appendix A Section 8.4 on window light transmission values (VLT) as set out below:
 - All Private Hire and Hackney Carriage vehicle windows must meet the requirements as prescribed by the Road Vehicles (Construction and Use) Regulations. (75% light transmission (VLT) windscreen, 70 % light transmission (VLT) front passenger windows)
 - In line with Department for Transport Taxi and private hire vehicle licensing best practice guidance, windows rear of the vehicle B pillar shall have a VLT figure of 30% or above to maintain passenger confidence whilst ensuring a wide range of vehicles may be licensed.
 - Vehicles already licensed at the date when this revised policy came into effect will continue to be licensed until they are replaced. Replacement vehicles (permanent or temporary) must comply with this condition.
 - (ii) Section 3.12 (and associated references in the appendices) be amended to require Hackney Carriage and Private Hire Vehicles to affix permanent signage to the front side doors of the vehicle (unless exempt under Section 3.13), with options to include a functional, dedicated online form and QR code to be explored;
 - (iii) Section 4.6 be amended to remove reference to outsourcing Disclosure and Barring Service (DBS) checks;
 - (iv) Section 4.7 be amended to make mandatory a requirement for all new driver applicants and all existing driver renewal applicants to sign up to the online Disclosure & Barring

Service update service and to give Tonbridge and Malling Borough Council authority to access DBS records at any time. Six monthly DBS checks will be carried out throughout the duration of a licence or more frequently should this be necessary; and

- (v) Section 4.11 be amended to make clear the requirement for drivers to report to the Council as the licensing authority any convictions or orders affecting them within 7 days of such an occurrence, irrespective of the offence.
- (2) if there were no responses arising from the public consultation, delegated authority be given to the Director of Planning, Housing and Regulatory Services to approve the Policy.

LA 26/6 AMENDMENT OF LICENSING FEES AND CHARGES 2026/27 - PRE-APPLICATION ADVICE

Careful consideration was given to a proposed amendment to the licensing fees and charges for 2026/27 in respect of pre-application advice.

Further to Minute Number LA 25/17, as set out in the [Minutes of 26 November 2025](#), where the Committee had approved fees for licences, consents and registrations for 2026/27, a review had confirmed that no charges had been levied to date in respect of the pre-application advice service.

Currently, applicants were given the opportunity to send an application form in for checking it was correct. There was no charge levied for this service. It was therefore proposed that the pre-application advice fee structure be simplified as detailed in paragraph 5.1 of the report.

In recognition of ensuring that all licensable activities taking place within the Borough were granted the appropriate permissions under the relevant legislation, Cllr Tunstall proposed, Cllr King seconded and it was

RESOLVED: That

- (1) the proposed scale of fees for pre-application advice, as set out in paragraph 5.1 of the report, be adopted with effect from 1 April 2026; and
- (2) these supersede the pre-application advice fees agreed on 26 November 2025.

MATTERS SUBMITTED FOR INFORMATION**LA 26/7 CONSULTATION ON SEX ESTABLISHMENTS AND SEXUAL ENTERTAINMENT VENUES POLICY 2026-2031**

Further to Minute Number LA 25/18, as set out in the [Minutes of 26 November 2025](#), a consultation on renewing the Borough Council's existing Sex Establishments and Sexual Entertainment Venues Policy 2026-2031 was undertaken.

As there had been no responses submitted and in accordance with resolution (3) the Director of Planning, Housing and Regulatory Services would approve the policy under delegated authority.

LA 26/8 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.09 pm