

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 25th October, 2024

Present: Cllr C Brown (Chair), Cllr D Keers and Cllr C J Williams.

PART 1 - PUBLIC

LAP 24/10 DECLARATIONS OF INTEREST

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

LAP 24/11 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 24/12 REVIEW OF A PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER'S LICENCE - CASE 004/2024

(Reasons: LGA 1972 – Sch 12A Paragraph 1 and 2 – Information relating to an individual and information which is likely to reveal the identity of an individual).

The Licensing and Appeals Committee, sitting as a Panel was asked to consider whether to suspend or revoke a Hackney Carriage and Private Hire (Dual) driver's licence under section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 on the ground of any other cause, namely for the offence of using a handheld mobile phone whilst driving.

The driver was reported to the Panel following their application to renew their licence and a DVLA check on their Driver's Licence which revealed that they had been issued with six penalty points in June 2022 for CU80 – Breach of requirements as to control of the vehicle (includes mobile phone offences that carry a mandatory six penalty points). Additionally, the driver had also received three penalty points in July 2023 for SP30 – Exceeding statutory speed limit on a public road. The Council had not been notified of these offences until the driver's renewal application in August 2024.

The driver was notified on 2 October 2024 that the Licensing and Appeals Panel would meet on 25 October 2024 to discuss the matter. The driver failed to respond to the email notification. The driver was then emailed again on 18 October 2024, with a copy of the report papers. On 19 October 2024, the driver responded that they were away and asked for the Panel to be rearranged for later in the year, after 4 December 2024.

The Licensing and Appeals Panel decided to hear the report in the absence of the driver. The Panel felt that the facts were clear, that the driver had been found guilty of the offence CU80 and had failed to notify the Council of the points on their licence within seven days of the conviction or at all. They had also failed to notify the Council of the penalty points they had received for speeding within seven days of the penalty being imposed.

In its deliberations, the Panel took into account the Council's Taxi and Licensing Enforcement Policy, as well as the Institute of Licensing guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trade.

Having considered carefully all the information provided, both written and verbal, the Panel took very seriously the use of mobile phones whilst driving, particularly by those transporting members of the public. There was also a necessity to adhere to both the Council's policy and the law of the land.

RESOLVED: That, in respect of Case Number 004/2024 the Hackney Carriage and Private Hire driver's licence be suspended for a period of two months and that nine penalty points be added to the Hackney Carriage and Private Hire driver's licence for a period of two years.

The meeting ended at 10.45 am
Having commenced at 10.00 am