

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

MINUTES

Wednesday, 30th July, 2025

Present: Cllr R V Roud (Chair), Cllr R W G Oliver and Cllr M Taylor

PART 1 - PUBLIC

LAP 25/22 DECLARATIONS OF INTEREST

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

LAP 25/23 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 25/24 REVIEW OF AN APPLICATION FOR A HACKNEY CARRIAGE
DRIVERS LICENCE - CASE 004/2025**

(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, considered whether the licensing authority should grant a Hackney Carriage Driver's Licence, under s. 59 of the Local Government (Miscellaneous Provisions) Act 1976.

The Panel considered information on the NR3 national database which showed that the individual's previous hackney carriage drivers' licences were revoked by Sevenoaks District Council and Transport for London. The Panel referred to two serious alleged sexual offences. The individual was also reported for a low-level public order offence in 2021. None of these allegations resulted in criminal convictions.

The Panel was not satisfied that the individual had failed to disclose these incidents to the licensing authority, but they did consider the allegations so serious that they could not be ignored in deciding whether the individual was a 'fit and proper' or 'safe and suitable' person to hold a driver's licence.

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.

The Panel considered the relevant sections of the council's policy as set out below:

Fit and Proper

- Section 1.4 (page 7 of 107)

Public safety is a paramount consideration when processing prospective candidates by ensuring only fit and proper persons are licensed to be entrusted to drive members of the public safely, professionally, and courteously to and from their required destinations.

- Section 4.11.3 (page 27 of 107)

In assessing whether the applicant is a 'fit and proper' person to hold a licence the Council will consider each case on its merits. It will take account of cautions, convictions, and fixed penalty notices whether spent or unspent, but only in so far as they are relevant to an application for a licence. Upon receipt of a licence application the Licensing Officer will assess from the information provided whether any or all of the current or spent convictions are capable of having significant relevance as to whether the applicant is a fit and proper person to hold a licence and, refer to the Licensing and Appeals Panel for decision.

The Panel was not satisfied that the individual was a 'fit and proper' person as the criminal allegations against the individual were so serious that it would not be safe to grant the application. The Panel was also concerned about reports of the individual's tendency to be aggressive with members of the public.

RESOLVED: That, in respect of Case Number 004/2025, that the application for a hackney carriage driver's licence be refused.

The meeting ended at 12.07 pm
having commenced at 10.00 am