

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Monday, 10th November, 2025

Present: Cllr C Brown (Chair), Cllr D W King and Cllr R V Roud.

PART 1 - PUBLIC

LAP 25/37 DECLARATIONS OF INTEREST

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

LAP 25/38 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 25/39 REVIEW OF A PRIVATE HIRE AND HACKNEY CARRIAGE (DUAL) DRIVERS LICENCE - CASE 009/2025

(Reasons: Part 2 – Private – 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 any action was appropriate in respect of the holder of a Private Hire and Hackney Carriage (Dual) Licence, following their conviction on 30 September 2025 for three counts of 'Assault by beating', s.39 Criminal Justice Act.

The driver was reported to the Panel following an application to renew their licence after they shared information with the Licensing Officer relating to an alleged allegation of three counts of 'Assault by Battery' on 25 April 2023 under s.39 Criminal Justice Act.

The driver further contacted the Licensing Authority on 1 October 2025 and provided documentation from their solicitor that confirmed that they had been convicted of all three counts on 30 September 2025.

During 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 noted Section 4.11.3 of the Council's Taxi and Licensing Enforcement Policy that "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 where 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 unspent 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".

Furthermore, the Panel noted sections 12.4.1 and 12.4.4 of the policy which stated that "as hackney carriage and private hire drivers maintain close contact with the public, in general a period up to 10 years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will be required before an application is likely to be considered favourably" and "an application will normally be refused where the applicant has a conviction for an offence of common assault/battery" respectively.

RESOLVED: That, in respect of Case Number 009/2025, the Private Hire and Hackney Carriage (Dual) Driving Licence not be renewed on the grounds set out in S.61 (1) (a) (i) of the Local Government (Miscellaneous Provisions) Act 1976, namely that the individual, since the original grant of their licence, had been convicted of three offences of violence.

The meeting ended at 11.35 am
having commenced at 11.00 am