

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 22nd March, 2019

Present: Cllr O C Baldock (Chairman), Cllr Mrs P A Bates and
Cllr Mrs B A Brown

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 19/18 DECLARATIONS OF INTEREST

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

LA 19/19 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 (RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

**LA 19/20 REVIEW OF PRIVATE HIRE OPERATOR LICENCE –
CASE NO 01/2019**

(Reasons: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The Panel was asked to consider whether any action should be taken against a Private Hire Operator following the receipt of information from Kent County Council that an out-of-date licence plate had been displayed on a vehicle being used to carry out a school run with vulnerable passengers on 29 August 2018. It was noted that an application to renew the vehicle's licence had been submitted on 24 August 2018 but that no licence or plates had been issued when the vehicle was used and, therefore, the vehicle was not licensed.

In addition, on 5 September 2018, an authorised officer of the Council undertaking a joint Enforcement with Kent County Council in Tunbridge Wells, had observed that the external plate for PH 612 was displayed

within the rear window. The Panel was advised that it was the Operator's responsibility to ensure that vehicle plates were affixed in the correct manner.

In its deliberations the Panel took into account the Council's Taxi Licensing and 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 breach to be serious and took the view that the licensed Private Hire Operator should have known that his vehicle was displaying an out-of-date plate. In particular the Panel had regard to sections 13.1.5, P34, 15.10.2 and 15.10.3 of the Council's Hackney Carriage and Private Hire Policy. The Panel found that the renewal plate was valid from 24 August 2018 but had not been picked up from the Council offices.

For these reasons the Panel

RESOLVED: That a strongly worded letter be issued to the Operator, detailing the need to not only renew all plates in plenty of time but to ensure that, in line with best practice, procedures are put in place to ensure future compliance.

The meeting ended at 11.37 am
having commenced at 10 am