

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 11th August, 2023

Present: Cllr D W King, Cllr M Taylor (Chair) and Cllr C J Williams.

PART 1 - PUBLIC

LAP 23/16 DECLARATIONS OF INTEREST

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

LAP 23/17 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 23/18 REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE - CASE NO 005/2023

The Licensing and Appeals Committee, sitting as a Panel was asked to consider whether any action was appropriate in respect of a holder of a Hackney Carriage Driver's licence, following receipt of information by Licensing Services that brought their attention to the fact that the licence holder had been driving a licenced Hackney Carriage vehicle after their Hackney Carriage Driver's licence had expired.

The Panel listened carefully to all the information provided and were satisfied that on the balance of probability, the licence holder had made a mistake in not renewing their Hackney Carriage Driver's Badge until three months after the expiry date. It was clear in future, that the individual needed to take responsibility to renew their Hackney Carriage Driver's Badge before the badge expired.

The Panel considered the mitigating circumstances to why the individual had not renewed their badge, the fact that the individual did not drive the Hackney Carriage Vehicle when they realised that their licence had expired and that they took action to renew their badge with expediency.

The Panel also pointed out that the individual acted in a manner contrary to S.41 of the Local Government (Miscellaneous Provisions) Act 1976.

After much deliberation, the Panel agreed to give the individual the benefit of doubt, and therefore granted the Hackney Carriage Driving Licence.

RESOLVED: That, in respect of Case Number 005/2023, the Hackney Carriage Driver's licence be GRANTED.

The meeting ended at 11.05 am
Having commenced at 10.00 am.