

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 8th May, 2024

Present: Cllr R V Roud (Chair), Cllr M A Coffin, and Cllr R W G Oliver.

Together with representatives of the Licensing Authority.

PART 1 - PUBLIC

LAP 24/4 DECLARATIONS OF INTEREST

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

LAP 24/5 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 24/6 REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE - CASE 002/2024

(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 any action was required in respect of a Private Hire Driver's licence, after Tonbridge and Malling Borough Council were notified by the driver that they had received a 42-day driving ban and a fine for speeding.

On 29 November 2023, the Council received a call from the driver informing them that they had been caught speeding and had attended court that day. The court had given them a 42-day driving ban and a fine of £636.00 in total. This was broken down as £383.00 fine, £153.00 Victim Surcharge and £100.00 costs.

At the meeting, the Panel were asked to consider the driver's conduct, in particular their recent driving ban for speeding, and to decide whether

any action was necessary under section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

The Panel listened carefully to all the driver had told them and the answers to their questions. They also took into account that the driver had had their licence suspended for 42 days by the courts and for an additional period by the Council amounting to a total of 68 days.

The Panel were concerned that the driver's record indicated that they were a driver with a tendency to exceed the speed limit. Conversely, they noted that none of the offences had occurred whilst the driver was working as a Private Hire Driver and they had immediately brought their most recent conviction to the Council's attention. The Panel also noted that the driver stated that this recent conviction had had a chastening effect.

RESOLVED: That, in respect of Case Number 002/2024, six penalty points be added to their Private Hire Driver's Licence for a period of two years and recorded that any further reports of speeding should be taken very seriously.

The meeting ended at 12.17 pm
Having commenced at 11.15 am