

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Monday, 28th April, 2025**

**Present:** Cllr R V Roud (Chair), Cllr K S Tunstall and Cllr C J Williams.

**PART 1 - PUBLIC**

**LAP 25/13 DECLARATIONS OF INTEREST**

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

**LAP 25/14 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 25/15 REVIEW OF A PRIVATE HIRE AND HACKNEY CARRIAGE (DUAL) DRIVERS LICENCE - CASE 003/2025**

The Licensing and Appeals Committee, sitting as a Panel was asked to consider whether any action was required in respect of a Private Hire and Hackney Carriage (Dual) Driver's licence following a complaint received from Kent County Council School Transport Inspectors.

The driver was issued 12 penalty points for P3 – Failure to ensure the safety of passengers after their vehicle was used for a school run without a valid Hackney Carriage 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.

Section 15.1.9 states that:

'Where a driver, proprietor or operator attains more than 12 penalty points, disciplinary options available to the Licensing and Appeals Panel

will include suspension or revocation of the driver's licence, where appropriate'

Section 15.1.10 states that:

'If it is felt that the matter does not warrant suspension or revocation of the licence, the period for which the points are to remain 'live' may be extended or a written warning may be issued to the driver as to their future conduct.'

In reaching its decision, the Panel took into account everything that was said at the hearing, the Council's Licensing Policy and the Institute of Licensing's Guidance.

**RESOLVED:** That, in respect of Case Number 003/2025:

- (1) a written warning be issued;
- (2) it be recommended that the driver ensures all drivers using their vehicle perform daily checks and be supplied with a form/document to record these checks; and
- (3) the 12 penalty points issued to the driver on 25 March 2025 remain on the driver's record for a period of two years.

The meeting ended at 10.41 am  
Having commenced at 10.03 am