

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

MINUTES

Wednesday, 30th July, 2025

Present: Cllr R V Roud (Chair), Cllr R W G Oliver and Cllr M Taylor

PART 1 - PUBLIC

LAP 25/25 DECLARATIONS OF INTEREST

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

LAP 25/26 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 25/27 REVIEW OF AN APPLICATION FOR A PRIVATE HIRE DRIVER'S
LICENCE - CASE 005/2025**

(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, considered whether the licensing authority should grant a private hire driver's licence, under s.51 of the Local Government (Miscellaneous Provisions) Act 1976.

The Panel considered information on the NR3 National Fraud database and the driver's Disclosure and Barring Service Certificate which revealed two previous convictions. The Panel also considered the fact that the individual's Private Hire Driver's licence issued by Maidstone Borough Council was revoked in June 2018.

The Panel noted that the driver's convictions were nearly ten years' old and that they had expressed genuine remorse and regret.

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. In particular, the Panel considered the relevant sections of the council's policy as set out below:

Fit and Proper

- Section 1.4 (page 7 of 107)

Public safety is a paramount consideration when processing prospective candidates by ensuring only fit and proper persons are licensed to be entrusted to drive members of the public safely, professionally, and courteously to and from their required destinations.

- Section 4.7.6 (page 26 of 107)

The licence or renewal is conditional upon there being no adverse information revealed on the DBS disclosure that would render the applicant not 'fit and proper'. If the licence is issued (which would only be under exceptional circumstances), and relevant information is later revealed on a disclosure certificate then that licence will be subject to review and possible revocation.

- Section 4.11.3 (page 27 of 107)

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 into account of cautions, convictions, and fixed penalty notices whether 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 spent 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.

In the circumstances, the Panel decided to grant a private hire driver's licence under s. 51 of the Local Government (Miscellaneous Provisions) Act 1976 because it was satisfied that the driver was now a fit and proper person to hold such a licence.

RESOLVED: That, in respect of Case Number 005/2025, that the application for a private hire driver's licence be granted.

The meeting ended at 12.50 pm
having commenced at 12.16 pm