

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

MINUTES

Monday, 10th November, 2025

Present: Cllr C Brown (Chair), Cllr D W King and Cllr R V Roud

PART 1 - PUBLIC

LAP 25/34 DECLARATIONS OF INTEREST

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

LAP 25/35 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 25/36 REVIEW OF A PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCE - CASE 008/2025

(Reasons: Part 2 – Private – 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 take any action against a holder of a Private Hire Driver's licence following the disclosure of a CU80 conviction resulting in a fine and six points on their licence.

On 18 September 2025, the driver had emailed the Borough Council to notify that they had been taken to court and since issued penalty points for a CU80 offence. Using the DVLA code provided by the driver on 18 September 2025, an online check of the DVLA licence was carried out.

Members considered the individual's conduct, in particular their conviction for using a mobile phone whilst driving a motor vehicle and their failure to notify the Council of this conviction within seven days as

required by the Tonbridge and Malling Borough Council's Taxi and Licensing Enforcement Policy.

It 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.

The Panel noted Section 4.11.3 of the Council's Taxi and Licensing Enforcement Policy that "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 account of cautions, convictions, and fixed penalty notices where 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 unspent 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 that the Licence Holder be issued a written warning and their points be reduced to nine, with the knowledge that should they obtain another three points in the next two years, they would be required to attend another hearing.

RESOLVED: That, in respect of Case Number 008/2025:

- (1) the driver be issued a written warning; and
- (2) the points on the individual's Private Hire and Hackney Carriage Driver's Licence be reduced to nine.

The meeting ended at 10.32 am
having commenced at 10.00 am