

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Wednesday, 22nd October, 2014**

**Present:** Cllr Mrs F A Kemp (Chairman), Cllr Mrs J A Anderson and  
Cllr S M King

Together with representatives of the Licensing Authority.

**PART 1 - PUBLIC**

**LA 14/89 DECLARATIONS OF INTEREST**

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

**LA 14/90 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**

**LA 14/91 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S  
LICENCE - CASE NO 16/2014**

**(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to  
an individual)**

The Panel considered the report of the Director of Central Services and Monitoring Officer regarding an application for a Probationary Private Hire Driver's Licence and was advised of information received from the Disclosure and Barring Service.

The Panel listened carefully to the representations made by the Applicant and was also informed by the Licensing Manager of the 8 penalty points which had been endorsed on the Applicant's driving licence on 3 February 2014 following a conviction for driving without due care and attention.

The Panel made the following findings –

1. The application had been made within 4 years of a conviction for common assault. Paragraph 12.3.1 of Appendix D of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Licensing Policy 2013-2016 (“the Policy”) stated that where an application was made within 4 years of such a conviction, the application would normally be refused.
2. The application was also made within 6 months of a conviction for driving without due care and attention. Under paragraph 12.14 of Appendix D of the Policy, this was treated as a “major traffic offence”. Paragraph 12.6 of Appendix D of the Policy stated that where such a conviction was within 6 months of the date of the application, the application would normally be refused.

For these reasons the Panel therefore

**RESOLVED:** That the Applicant was not a fit and proper person to hold a Probationary Private Hire Driver’s Licence at this time and the application be REFUSED in accordance with s51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

The meeting ended at 8.00 pm  
having commenced at 7.30 pm