

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 18th February, 2015

Present: Cllr C Brown (Chairman), Cllr Mrs J A Anderson and Cllr M Taylor

Together with the representatives of the Licensing Authority

PART 1 - PUBLIC

LA 15/4 DECLARATIONS OF INTEREST

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

LA 15/5 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

LA 15/6 APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - CASE NO 2/2015

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

The Panel gave consideration to the report of the Director of Central Services and Monitoring Officer regarding an application for a Hackney Carriage Driver's Licence following receipt of information from the Disclosure and Barring Service (DBS) and the Driver and Vehicle Licensing Agency (DVLA). The Panel listened carefully to the representations made by the applicant, had regard to the report of the Director of Central Services and found that

- (1) the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy stated that, where an Applicant has been convicted of an offence involving being in charge of a vehicle whilst under the influence of drink, a period of at least 5 years from conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence;

- (2) the Council takes a serious view of convictions involving driving under the influence of alcohol;
- (3) the Applicant's period of mandatory disqualification had been reduced from 4 years to 36 months following completion of a driver alcohol awareness course;
- (4) the Applicant's DVLA licence had been restored on 21 April 2013; and
- (5) whilst the Panel had considered and understood the reasons provided by the Applicant, it was not satisfied that this was sufficient to step back from the normal position set out in the Council's Policy.

The Panel, therefore

RESOLVED: That the application for a Hackney Carriage Driving Licence be refused.

The meeting ended at 12.00 pm
having commenced at 11.00 am