

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Monday, 27th April, 2015

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

Together with representatives of the Licensing Authority.

PART 1 - PUBLIC

LA 15/30 DECLARATIONS OF INTEREST

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

LA 15/31 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 15/32 REVIEW OF APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - CASE NO 7/2015

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

The Panel gave consideration to the report of the Director of Central Services and Monitoring Officer regarding whether an application for a full Hackney Carriage Driver's Licence should be granted following receipt of information from a Medway Hackney Carriage Driver.

The Panel listened carefully to the representations made by the Applicant, had regard to the report of the Director of Central Services and made the following findings:-

1. The Panel considered the information given and noted that the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Licensing Policy stated at 1.3.2 that, where offences for plying for hire without a licence had been committed, an

offender shall for every such offence be liable to a penalty not exceeding level 4 on the standard scale (£2,500);

2. The Panel recognized the seriousness of the offence of plying for hire in a district where a driver was not licensed; and
3. The Panel noted that, as the Applicant's probationary licence had expired on 23 March, he had been unable to work pending the hearing of his application for a Hackney Carriage Driver's Licence.

For these reasons the Panel therefore

RESOLVED: That

- (1) the application for a Hackney Carriage Driver's Licence be granted but that the licence be suspended for a period of seven days, expiring on Tuesday 5 May 2015; and
- (2) a written warning be issued to the Applicant noting the seriousness of the offence (which he had admitted to) and drawing attention to the need to comply with the Council's policy and the law at all times and advising that a failure to do so could result in the Applicant being brought before a Panel Hearing which may result in the revocation of his licence.

The meeting ended at 10.43 am
having commenced at 10.20 am