

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 29th July, 2015

Present: Cllr Mrs J A Anderson (Chairman), Cllr M A Coffin and Cllr H S Rogers

Councillors M C Base and Mrs B A Brown were also present as observers for training purposes.

Together with representatives of the Licensing Authority.

PART 1 - PUBLIC

LA 15/59 DECLARATIONS OF INTEREST

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

LA 15/60 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 15/61 PRIVATE HIRE DRIVER'S LICENCE - CASE NO 14/2015

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

The Panel was invited to consider whether a Full Private Hire Driver's Licence should be granted following the receipt of information that the Applicant had been driving a Licensed Private Hire Vehicle for a month after his Probationary Private Hire Driver's Licence had expired.

The Panel listened carefully to the representations made by the Applicant, considered in detail the matters raised in the report of the Director of Central Services and noted the Applicant's explanation as to why he had failed to renew his licence in the correct way and thereafter carried on driving without a licence. The Panel expressed concern that the Applicant had failed to put in place measures to ensure that his

licence was renewed at an appropriate time and questioned whether he was fit to continue to hold a driver's licence. The Panel made the following findings:-

1. The Panel noted that driving a Private Hire Vehicle without a licence was itself a criminal offence.
2. The Panel was concerned that the Applicant had failed to put in place appropriate measures to ensure that the renewal application was submitted in time.
3. The Panel took into consideration the absence of any concern about the Applicant's fitness to drive during the period of the previous probationary licence. However, given the Applicant's conduct since the expiry of the Probationary Private Hire Driving Licence the Panel was reluctant to grant a three year licence.

The Panel considered the "fit and proper" test to hold a driver's licence as documented within the terms of the Hackney Carriage and Private Hire Licensing Policy and

RESOLVED: That the Applicant be GRANTED a Private Hire Driver's Licence for a further six month period, subject to standard conditions, together with an additional condition requiring that the Driver attend the Council offices for a meeting with the Licensing and Community Safety Manager after 1, 2, 4, and 6 months.

The meeting ended at 12.35 pm
having commenced at 11.35 am