

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 18th November, 2015

Present: Cllr M A Coffin (Chairman), Cllr Mrs J A Anderson and Cllr R V Roud

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 15/99 DECLARATIONS OF INTEREST

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

LA 15/100 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 15/101 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 25/2015

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

Consideration was given to the report of the Director of Central Services and Monitoring Officer regarding an application for a Probationary Private Hire Driver's Licence following the receipt of information from the Driver and Vehicle Licensing Agency (DVLA) which had shown two SP30 speeding fixed penalties which had not been declared on the application form.

The Panel waited until 10.15 am for the Driver to arrive and several attempts were made to contact him. In addition, the proposed Mentor was telephoned and it was confirmed that they were unaware of the application and that they did not wish to proceed with being the Mentor for the Applicant.

The Hearing took place in the Driver's absence and the Panel had regard to the report of the Director of Central Services and Monitoring Officer and made the following findings:-

1. The Panel considered the information given and noted the requirements of the Tonbridge & Malling Borough Council Hackney Carriage and Private Hire Licensing Policy.
2. The Panel noted that information received from the Driving and Vehicle Licensing Agency (DVLA) mandate had revealed that the Applicant had had seven penalty points on his DVLA Driving Licence, for two speeding offences. The Panel was reminded that, for the purposes of the Council's policy, the offence on 10 July 2014 was considered to be a "Major Traffic Offence" whilst the offence on 6 May 2014 was considered to be a "Minor Traffic Offence". The Panel noted that, where an applicant had more than 6 penalty points on his DVLA licence, the Council's policy stated that the application would ordinarily be refused. The Applicant had provided no reason to suggest that the Panel should deviate from the ordinary policy position.
3. Prior to the Hearing, the Panel was informed by the Applicant's proposed Mentor firm, via a telephone call, that they did not want to progress with being the Mentor and, therefore, the applicant had no Mentor. The Council's policy required that all Probationary Private Hire Drivers have a mentor and, therefore, the application could not be granted

For these reasons the Panel therefore

RESOLVED: That the Application for a Probationary Private Hire Driver's Licence be REFUSED.

The meeting ended at 10.17 am
having commenced at 10.15 am