

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 16th December, 2015

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs B A Brown and Cllr H S Rogers

Together with representatives of the Licensing Authority

As an apology for absence had been received from Councillor F G Tombolis in advance of the meeting Councillor Mrs Brown was appointed to serve on the Panel

PART 1 - PUBLIC

LA 15/114 DECLARATIONS OF INTEREST

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

LA 15/115 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 15/116 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 24/2015

(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). The applicant had six penalty points on his DVLA Driving Licence for using a vehicle uninsured on 5 February 2014. A copy of the application and the DVLA printout were attached as Annexes 1 and 2 respectively to the report. It was noted that the Applicant had declared the offence on the questionnaire completed on 6 October 2015, attached as Annex 3.

In considering the information received from the DVLA the Panel noted that the offence on 5 February 2014 (IN10) was considered to be a "Major Traffic Offence" for the purposes of the Council's policy and the application stood referred to a Licensing and Appeals Panel for determination. The Panel listened carefully to the representations made by the Applicant, had regard to the report of the Director of Central Services and noted the requirements of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Licensing Policy.

The Panel considered it a very serious matter that a driver had driven a vehicle without insurance. It noted, however, that this had been an isolated offence and that the offence was over 6 months old before the application for the Probationary Private Hire Driver's Licence had been made. The Panel considered the mitigating circumstances offered by the Applicant and noted in particular his belief that, when the incident occurred, he had been insured by virtue of a motor trader's insurance policy. The Applicant acknowledged that this had been an error on his part.

After careful consideration of the facts and having due regard to the evidence of the circumstances regarding the offence, set out by the Applicant, the Panel

RESOLVED: That, subject to the Driver attending a meeting with the Licensing and Community Safety Manager every two months during the six month probationary period, the application for a Probationary Private Hire Driver's Licence be GRANTED.

The meeting ended at 10.13 am
having commenced at 09.30 am