

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 6th April, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr H S Rogers and Cllr R V Roud

Together with representatives of the Licensing Authority

As an apology for absence had been received from Councillor M Taylor in advance of the meeting Councillor R Roud was appointed to serve on the Panel

PART 1 - PUBLIC

LA 16/25 DECLARATIONS OF INTEREST

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

LA 16/26 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 16/27 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE (CASE NO 7/2016)

(Reason: LGA 1972 Sch12A 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 Disclosure and Barring Service (DBS) and the Driver and Vehicle Licensing Agency (DVLA) which had shown a conviction under the Road Traffic Act 1988 s5(1)(A) in September 2012 for an Offence of Driving a Motor Vehicle with Excess Alcohol on 2 June 2012.

The Panel listened carefully to the information provided by the Applicant, had due regard to the evidence he provided of the circumstances

regarding the offence and had regard to the report of the Director of Central Services and Monitoring Officer and to the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Licensing Policy.

The Panel noted that the Council's ordinary policy regarding drunkenness when in charge of a vehicle, resulting in disqualification, required that a period of at least five years should elapse after the restoration of the DVLA licence before an applicant could be granted a licence. In this case, the last conviction for such an offence was in September 2012 and the Applicant's DVLA licence had been restored in June 2013. The Panel could find no reason to depart from the Policy in this case.

For these reasons the Panel, therefore,

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

The meeting ended at 12.01 pm
having commenced at 11.32 am