

**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 16/28 DECLARATIONS OF INTEREST**

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

**LA 16/29 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 16/30 APPLICATION FOR RENEWAL OF A DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE (CASE NO 8/2016)**

**(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 the renewal of a Dual Hackney Carriage and Private Hire Driver's Licence following receipt of information from the Driver and Vehicle Licensing Agency (DVLA). The applicant had 9 penalty points on his DVLA Driving Licence for exceeding the statutory speed limit on a public road on three occasions in June, August and November 2013. It was noted that the Applicant had failed to declare these convictions on the questionnaire completed on 25 November 2015.

In considering the information received from the DVLA the Panel noted that Offence Codes SP10 to SP50 must stay on a driving licence for four years from the date of the offence and that the Council's Policy stated that an application would normally be refused where an applicant had 6 or more penalty points on his DVLA licence.

The Panel listened carefully to the information provided by the Applicant, had due regard to the evidence he provided of the circumstances regarding the offences 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 considered it a very serious matter that the Applicant had exceeded speed limits, not from the point of view of the driver but for the safety of the general public and passengers. The Panel took account of the fact that the offences had occurred nearly three years ago and that there had been no subsequent offences. However, it reminded the Applicant that, as a licensed driver, he should have informed the licensing officers promptly of any relevant offences or penalty points.

The Panel, therefore,

**RESOLVED:** That,

- (1) subject to the Driver attending a meeting with the Licensing and Community Safety Manager on a six monthly basis during the twelve month probationary period, the application for a Dual Hackney Carriage and Private Hire Driver's Licence be APPROVED; and
- (2) 3 Penalty Points be given against the new licence to reflect the fact that the Applicant had failed to disclose the three convictions formally to the Licensing Authority within seven days of the conviction as required by the Council's Hackney Carriage and Private Hire Licensing Policy.

The meeting ended at 1.12 pm  
having commenced at 12.31 pm