

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 10th June, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs P A Bates and Cllr M Taylor

Together with representatives of the Licensing Authority.

PART 1 - PUBLIC

LA 16/49 DECLARATIONS OF INTEREST

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

LA 16/50 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 16/51 APPLICATION FOR A DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - CASE NO 9/2016

(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 Dual Private Hire and Hackney Carriage Driver's Licence.

The Panel was advised that the Applicant had appeared before a Licensing Hearing on 18 February 2015 after he had undertaken school contracts with young and vulnerable persons using an unlicensed private hire vehicle. That Panel had resolved that there was reasonable cause to revoke his Dual Private Hire and Hackney Carriage Driver's Licence. The Applicant had appealed to Sevenoaks Magistrates Court where the appeal was held on 29 May 2015. The Appeal was dismissed by the Magistrates.

The Panel listened carefully to the information provided by the Applicant, had regard to the report of the Director of Central Services and made the following findings:-

1. The Panel decided to grant the application for a Dual Hackney Carriage and Private Hire Driver's Licence under s.51 and s.59 of the local Government (Miscellaneous Provisions) Act 1976 on the basis that the Applicant was a fit and proper person to hold the licence. The Panel noted that the Applicant had previously had his licence revoked on 18 February 2015 for using an unlicensed hire car on two days, Monday 24 and Tuesday 25 November 2014, to carry out five school runs.
2. The Applicant's appeal against that decision was dismissed by Sevenoaks Magistrates Court on 29 May 2016. The Applicant told the Panel that he had panicked when he could not find a driver to cover for him. He acknowledged that he had made a conscious decision not to contact the Council and ask for a temporary plate and had regretted his decision. He told the Panel that as soon as he had been caught by Kent County Council he went to see the Licensing Manager.
3. The Panel noted that paragraph 11.8.7 of the Council's Policy stated that a further application would not normally be considered for two years from the date of revocation. In this case the Panel felt that the Applicant had shown genuine remorse for his mistake and had learnt his lesson. The Panel felt that it could deviate from the Policy and that the public could be protected by the granting of this application for six months subject to conditions.

For these reasons the Panel therefore

RESOLVED: That the licence be granted for six months and a condition be imposed that the Applicant meet with a representative of the Licensing Team every month to ensure that there are no problems and that he was complying with all the terms of the Borough Council's Hackney Carriage and Private Hire Licensing Policy.

The meeting ended at 12.15 pm
having commenced at 11.30 am