

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 15th December, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr H S Rogers and Cllr R V Roud
Together with the representatives of the Licensing Authority

PART 1 - PUBLIC

LA 16/106 DECLARATIONS OF INTEREST

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

LA 16/107 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 16/108 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 22/2016

(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 Probationary Private Hire Driver's Licence following receipt of information from the Driver Vehicle and Licensing Agency (DVLA) regarding points received for motoring offences. The Panel noted that the Applicant had declared only one of the offences listed on the DVLA report on the questionnaire which accompanied his application.

The Panel listened carefully to the information provided by the Applicant and accepted his explanation in relation to an allegation of ABH against him which he had disclosed on the questionnaire which accompanied the application. The Panel had due regard to the report of the Director of Central Services and to the following:-

- (1) that Paragraph 1.5.4 of the Policy stated that Public Safety was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence;
- (2) that Paragraph 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits; and
- (3) that Paragraph 12.7.2 of the Policy regarding DVLA Penalty Points stated that an application would normally be refused where the applicant had 6 or more penalty points on his DVLA licence.

The Panel found that Tonbridge and Malling Borough Council had a clear policy in relation to points accrued on Driving Licences and, in general, would require a period of 6 months after those points had expired before a licence would be granted. However, the Panel had regard to the fact that the period would expire at the end of December 2016 and that, while the convictions were recent, the offences had happened a number of years ago. The Panel, therefore

RESOLVED: That the application for a Probationary Private Hire Driver's Licence be APPROVED subject to the following conditions:-

- (1) the Driver provide the Licensing Team with an up to date Disclosure and Barring Service (DBS) check within one month of the date of this Hearing; and
- (2) that the Driver attend meetings with the Licensing Team every two months during the probationary period.

The meeting ended at 1.23 pm
having commenced at 12.25 pm