

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 representatives of the Licensing Authority

PART 1 - PUBLIC

LA 16/118 DECLARATIONS OF INTEREST

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

LA 16/119 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 16/120 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 23/2016

(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The Panel was asked to consider whether an application for a Probationary Private Hire Driver's Licence should be approved following receipt of information from the Driver and Vehicle Licence Agency (DVLA) and the Disclosure and Barring Service (DBS) that the Applicant had received a 14 day disqualification and fine following a Conviction on 20 October 2014 for being in charge of a motor vehicle while alcohol level was above limit on 27 December 2013.

The Panel was advised that the Applicant had failed to arrive prior to the start of the meeting or to respond to any attempts to contact him.

The Hearing took place in the Driver's absence and the Panel had regard to the report of the Director of Central Services and Monitoring Officer 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;
- (3) with regard to Offences of Dishonesty, Paragraph 12.2.1 of the Policy stated that Drivers of hackney carriage and private hire vehicles were expected to be persons of trust; and
- (4) that Paragraph 12.11.1 stated that a serious view would be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. Where a disqualification had occurred as a result of a drink-driving offence, at least 5 years free from conviction should elapse after the restoration of the DVLA licence before an applicant was granted a licence.

The Panel had particular regard to the Policy regarding excess alcohol and that, in the absence of the Applicant, no circumstances had been put forward in writing to attempt to explain or mitigate the offence. The Panel, therefore

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

The meeting ended at 4.59 pm
having commenced at 4.50 pm