

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 16th March, 2017

Present: Cllr Mrs F A Kemp (Chairman), Cllr H S Rogers and Cllr M Taylor

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/9 DECLARATIONS OF INTEREST

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

LA 17/10 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 17/11 APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE - CASE NO 01/2017

(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 the renewal of a Private Hire Driver's Licence following the receipt of information from the Driver and Vehicle Licensing Agency (DVLA) that the Applicant had 9 penalty points on his Driving Licence for exceeding the statutory speed limit on a public road. The Panel noted that the three speeding offences dating from 2014 and 2015 had been disclosed on the renewal application form.

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

- (1) that Section 12.7.1 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy stated that the number, type and frequency of offences would be taken into account and the applicant would normally be expected to have a period free of conviction of at least 6 months;
- (2) that Section 12.7.2 of the Policy stated that an application would normally be refused where an applicant had 6 or more penalty points on his DVLA licence;
- (3) that Section 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; and
- (4) that Section 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits.

The Panel noted that, in relation to the points shown on an applicant's driving licence, the offences in question were, in terms of the Policy, treated as Minor Traffic Offences and that the most recent conviction was dated 9 May 2015. The Panel also had regard to the Applicant's unblemished record as a licensed Private Hire Driver. For these reasons the Panel, therefore

RESOLVED: That the Applicant be GRANTED a renewal of his Private Hire Driver's Licence (Badge No. 1774).

The meeting ended at 10.20 am
having commenced at 10.00 am