

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 29th January, 2014

Present: Cllr Mrs J A Anderson (Chairman), Cllr O C Baldock and Cllr Mrs Woodger.

Together with representatives of the Licensing Authority.

PART 1 - PUBLIC

LA 14/1 DECLARATIONS OF INTEREST

There were no declarations of interest made.

MATTERS FOR CONSIDERATION IN PRIVATE

LA 14/2 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matter be considered in private.

PART 2 - PRIVATE

**DECISIONS TAKEN UNDER DELEGATED POWERS IN
ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE
CONSTITUTION**

**LA 14/3 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 01/2014
(Reason: LGA 1972 Sch 12a Para 1 - Information Relating to an individual)**

The Panel gave consideration to the report of the Director of Central Services and Monitoring Officer regarding an application for a Probationary Private Hire Driver's Licence. The Panel was reminded that the applicant had submitted an application for a private hire driver's licence which had been refused at a meeting of the Panel held on 7 November 2012 and noted that the applicant had failed to disclose that the previous application had been refused. Attention was drawn to Section 11.8.7 of the Council's Hackney Carriage and Private Hire Licensing Policy which advised that, where an application had been refused, a further application would not normally be considered for a period of two years from the date of refusal.

The Panel listened carefully to the representations made by the applicant and the prospective Mentor for the probationary licence, had regard to the report of the Director of Central Services and Monitoring Officer and the requirements of Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 which stated that a licence should not be granted unless the licensing authority was satisfied that the applicant was a fit and proper person to hold a driver's licence.

The applicant was reminded that his previous application in 2012 had been refused following information received from the Driving and Vehicle Licensing Agency (DVLA) which showed that, at that time, he had 9 points on his Driving Licence. The Panel expressed extreme concern about the applicant's conduct towards the licensing officer following the previous hearing as noted in the transcript of a telephone conversation held on 12 November 2012. As a result of the above the Panel did not consider the applicant to be a fit and proper person to hold a Probationary Private Hire Driver's Licence. The Panel therefore

RESOLVED: That the Applicant was not a fit and proper person to hold a Probationary Private Hire Driver's Licence at this time and, therefore, the application be refused in accordance with s.51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

The Panel commented that the Applicant would be free to make a further application at any time after 7 November 2014 without prejudice.

The meeting ended at 10.36 am