

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Friday, 17th November, 2017**

**Present:** Cllr Mrs F A Kemp (Chairman), Cllr O C Baldock and Cllr M Taylor

Together with representatives of the Licensing Authority

An apology for absence was received from Councillor D Keers prior to the meeting and Councillor Baldock was appointed to serve on this meeting of the Panel

**PART 1 - PUBLIC**

**LA 17/68 DECLARATIONS OF INTEREST**

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

**LA 17/69 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 17/70 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 16/2017**

**(Reasons: 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 granted following the receipt of information from the Driver and Vehicle Licensing Agency (DVLA).

The Panel was advised that the DVLA printout attached at Annex 2 to the report had disclosed an offence dated 5 June 2015 of IN14 Causing or permitting offences, using a vehicle uninsured against third party risks and that the Applicant had 6 Penalty Points on his Driving Licence.

The Panel had regard to the report of the Director of Central Services and Monitoring Officer and to the following:-

- (1) that Section 12.7.2 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy stated that an application would normally be refused where an applicant has 6 or more penalty points on his DVLA licence;
- (2) that Section 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (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, with regard to previous cautions or convictions, a DVLA driver endorsement check was required to ensure that the information held by the DVLA was in accordance with the information submitted by the applicant. It was noted that Offence Code IN14 must stay on a driving licence for four years from the date of offence.

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the six point penalty on the DVLA printout and concluded that the Applicant was a 'Fit and Proper' person to hold a licence. For this reason the Panel, therefore

**RESOLVED:** That the Applicant be GRANTED a Probationary Private Hire Driver's Licence.

The meeting ended at 10.15 am  
having commenced at 10 am