

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Friday, 3rd August, 2018**

**Present:** Cllr D Keers (Chairman), Cllr Mrs J A Anderson and Cllr Mrs B A Brown

Following an apology for absence received from Councillor O C Baldock prior to meeting Councillor Mrs Anderson had been appointed to serve on the Panel

Together with representatives of the Licensing Authority

**PART 1 - PUBLIC**

**LA 18/91 DECLARATIONS OF INTEREST**

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

**LA 18/92 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 18/93 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 20/2018**

**(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 response to the DVLA data release mandate form had disclosed that the Applicant had 6 Penalty Points on his Driving Licence an Offence dated 4 October 2017 – IN14 Causing or permitting offences. Using a vehicle uninsured against Third Party risks.

The Panel noted that the Applicant had declared the offence on the questionnaire submitted with the application.

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

- (1) that Section 1.4.4 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire 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 Section 4.8.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (3) that in respect of Cautions and Endorsable Fixed Penalties, Section 10.2.7 of the Policy stated that formal cautions and endorsable fixed penalties should be treated as though they were convictions and must be disclosed; and
- (4) that Section 12.7.2 of the Policy stated that, in particular, an application would normally be refused where the applicant has 6 or more penalty points on his DVLA licence (whether or not the applicant was convicted by a court for the offences for which the points were imposed).

The Panel listened carefully to the explanation given by the Applicant of the circumstances which led him to accept six penalty points from the DVLA and reached the conclusion that there were no compelling or extenuating circumstances to justify deviation from the Council's Hackney Carriage and Private Hire Policy. The Panel felt that causing or permitting a vehicle to be used whilst uninsured posed a risk to the public and that public safety was a paramount concern when considering the licensing of taxi and private hire drivers. In the circumstances the Panel reached the conclusion that the Applicant was not a fit and proper person to hold a Probationary Private Hire Driver's Licence. For these reasons the Panel, therefore

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

The meeting ended at 10.43 am  
having commenced at 10.10 am