

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Wednesday, 27th July, 2016**

**Present:** Cllr Mrs J A Anderson (Chairman), Cllr Mrs P A Bates and Cllr R V Roud

Councillor Mrs S M Barker was also present pursuant to Council Procedure Rule No 15.21.

Together with representatives of the Licensing Authority

**PART 1 - PUBLIC**

**LA 16/58 DECLARATIONS OF INTEREST**

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

**LA 16/59 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 16/60 APPLICATION FOR PROBATIONARY PRIVATE HIRE LICENCE (CASE NO 11/2016)**

**(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 a Probationary Private Hire Driver's Licence following receipt of information from the Driver and Vehicle Licensing Authority (DVLA) regarding the use of a mobile 'phone while driving and of exceeding the statutory speed limit on a public road.

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

the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy and made the following findings:-

1. The Panel noted the relevant provisions of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Licensing Policy.
2. The Panel considered the Policy, and in particular to paragraph 12.7.2 which stated that where an applicant had more than one conviction for this type of offence within the last 6 months, an application would normally be refused.
3. The Panel noted that the most recent offence was over 6 months old. However, the Panel remained concerned at the frequency of similar offences with a short period.
4. Additionally, in relation to the mobile 'phone offence, whilst the Panel accepted the explanation given, it remained concerned that the circumstances demonstrated a lack of due attention which would be essential for a professional driver.

For these reasons the Panel therefore

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

The meeting ended at 10.10 am  
having commenced at 9.30 am