

LICENSING SUB-COMMITTEE

Friday, 27 April 2018

**Present: Councillor Nuttall (Chairman)
Councillors Heasman and Hill**

Officers in Attendance: Dave Packham (Licensing Officer), Robin Harris (Senior Lawyer (Contentious)) and Cheryl Clark (Democratic Services Officer)

Other Members in Attendance: None.

APOLOGIES FOR ABSENCE

LSC17/15 No apologies were received.

DECLARATIONS OF INTEREST:

LSC18/15 No declarations of interest were made by members at the meeting.

EXEMPT ITEM

RESOLVED – That, pursuant to section 100A (4) of the Local Government Act 1972 and the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act, by virtue of the paragraphs shown below:

Paragraph (1) – Information relating to any individual.

Paragraph (2) – Information which is likely to reveal the identity of an individual.

DETERMINATION OF AN APPLICATION FOR HACKNEY CARRIAGE & PRIVATE HIRE DRIVER LICENCE

LSC19/15 The Chairman opened the meeting, introduced the members of this Licensing Sub-Committee hearing, the officers and attendees of the meeting, and outlined procedural matters of the meeting.

Mr Packham outlined the content of the report and the Sub-Committee members confirmed having read these documents as supplied prior to the hearing in accordance with legislative requirements. The Sub-Committee had been asked to determine the application after the applicant had failed to pass the written knowledge test on 6 occasions.

The applicant was given the opportunity to make a statement. The Sub-Committee listened to the applicant's explanation that he had difficulty in writing English and completing the test within the required amount of time. The Sub-Committee questioned the applicant about his attempts to improve his language skills and the Legal Advisor asked the applicant several questions from past papers, but the applicant got the majority of answers wrong.

The Sub-Committee acknowledged the applicant's explanations but confirmed that the Council's policy required all applicants to pass the written

test. Consequently the Sub-Committee had to refuse the application. This decision did not preclude the applicant from making a further application after undertaking and passing the new computerised test.

In accordance with the provisions of Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, the Chairman gave notice that Tunbridge Wells Borough Council had decided to refuse this application for a Hackney Carriage & Private Hire Driver's Licence.

In accordance with the provisions of Sections 52 and 77 of the Local Government (Miscellaneous Provisions) Act 1976, the applicant was advised that there was a right to appeal against the Council's decision to refuse the application. An appeal was required to be lodged with the Magistrates' Court within 21 days of the date of the decision notice issued on 27 April 2018.

RESOLVED: that Tunbridge Wells Borough Council refuse the application for a Hackney Carriage & Private Hire Driver's Licence

NOTE: The meeting concluded at 11:30am.