

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Monday, 22nd April, 2013**

**Present:** Cllr C Brown (Chairman), Cllr Mrs P Bates and Cllr Mrs C J Woodger.

Together with representatives of the Licensing Authority.

**PART 1 - PUBLIC**

**LA**            **DECLARATIONS OF INTEREST**

**13/021**

There were no declarations of interest made.

**MATTERS FOR CONSIDERATION IN PRIVATE**

**LA**            **EXCLUSION OF PRESS AND PUBLIC**

**13/022**

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**            **APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE -  
CASE NO 04/2013**

**13/023**

**(Reason: LGA 1972, Sch 12A Paragraph 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 the renewal of a Hackney Carriage Driver's Licence. The Panel noted that the current licence had been issued on 30 November 2012 and would expire on 5 July 2015.

The Panel noted that information received from the Disclosure and Barring Service (DBS) following an Enhanced Disclosure Check had revealed that the Applicant had failed to disclose a Caution under the Protection from Harassment Act 1997 dated 22 September 2008 and a Conviction under the Family Law Act 1996 dated 12 November 2008. It was noted that the Applicant had also failed to disclose this

information when the licence had been renewed in July 2009.

The Panel, having listened carefully to the representations made by the Applicant and the Licensing Officer, was concerned at the Applicant's failure to disclose the conviction and caution from 2008. The Panel was aware that the incidents were linked to personal circumstances which took place at that time and that there was nothing recorded associated with behavioural issues since that date. However, the Panel stated that the Applicant's failure to disclose the information in 2012 gave great cause for concern. The Panel therefore

**RESOLVED:** That the application for the renewal of the Hackney Carriage Driver's Licence be granted subject to an immediate three month suspension for failure to comply with the Borough Council's Hackney Carriage and Private Hire Licensing Policy 2010-13.

The meeting ended at 1159 hours  
having commenced at 1105 hours