

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 30th July, 2014

Present: Cllr Mrs F A Kemp (Chairman), Cllr J A L Balcombe and
Cllr M A Coffin

Together with the representatives of the Licensing Authority

PART 1 - PUBLIC

LA 14/59 DECLARATIONS OF INTEREST

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

LA 14/60 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 14/61 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S
LICENCE - CASE NO 20/2014**

**(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 a Probationary Private Hire Driver's Licence. The Panel was advised that the Applicant's Disclosure and Barring Service check had disclosed a number of relevant convictions, which were set out at paragraph 1.2.4 of the report. The Panel listened carefully to the representations made by the Applicant and his proposed mentor and had regard to the explanation given of the circumstances surrounding the relevant convictions which had arisen following the breakup of a previous relationship.

The Panel had regard to the Council's Hackney Carriage and Private Hire Licensing Policy ('the Policy'), the relevant provisions of which were

set out at paragraph 1.3 of the report of the Director of Central Services.

The Director of Central Services also drew the attention of the Panel to paragraph 12 of Appendix D to the Policy, which deal with convictions for violence. The Panel noted that the convictions dated 4 February 2011 and 17 December 2012 were less than 4 years old, and in accordance with the policy provisions of paragraph 12.3.1 would normally lead to refusal. The convictions dated 7 September 2009 and 30 October 2009 were more than 4 years old and more weight should therefore be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.

The Panel had regard to the support given to the application by the proposed Mentor, a Private Hire Operator for whom the Applicant had been working since April 2014. The Panel was satisfied that appropriate support would be provided by the mentor throughout the probationary period but advised that it would not be minded to grant a full licence upon expiry of the probationary period should the Applicant be convicted of any further offences.

For these reasons, the Panel therefore

RESOLVED: That the Applicant be granted a Probationary Private Hire Driver's Licence for a period of one year.

The meeting ended at 12.45 pm
having commenced at 12.00 hours