

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 24th September, 2014

Present: Cllr M A Coffin (Chairman), Cllr Ms J A Atkinson and Cllr Mrs P Bates
Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 14/74 DECLARATIONS OF INTEREST

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

LA 14/75 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 14/76 RENEWAL OF A HACKNEY CARRIAGE DRIVER'S LICENCE - CASE NO 12/2014

(Reason: LGA 1972 Sch 12A Para 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 renewal of a Hackney Carriage Driver's Licence. The Panel was advised that the applicant's previous licence had expired on 22 March 2014 and that the renewal application had been received on 11 April 2014. The Panel noted that the Disclosure and Barring Service (DBS) enhanced disclosure had shown a Conviction dated 9 November 2012 for the Offence of Wounding/Inflicting Grievous Bodily Harm on 4 May 2011 under Section 20 of the Offences Against the Person Act 1861. The Panel further noted that the applicant had been sentenced to imprisonment for 3 years and given a restraining order (Protection from Harassment) which would stay in force until 9 November 2022.

The Panel listened carefully to the representations made by the Applicant who gave details of the incident which had led to his imprisonment. He explained that he had found alternative employment since leaving prison in October 2013 but wished to renew his licence and return to the job he had enjoyed prior to his conviction. The Panel expressed concern about the applicant's failure to formally notify the Licensing Authority of his conviction and that this had only become apparent on renewal. The Panel, therefore

RESOLVED: That the application be REFUSED as the Applicant had failed to meet the 'passage of time' criteria for submitting a new application (Policy 12.1.3) and had failed to supply clear mitigating circumstances or evidence of good character (Policy 12.3.2).

The meeting ended at 10.30 am
having commenced at 10am