

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 22nd October, 2014

Present: Cllr Mrs F A Kemp (Chairman), Cllr Mrs J A Anderson and Cllr S M King

Together with representatives of the Licensing Authority.

PART 1 - PUBLIC

LA 14/92 DECLARATIONS OF INTEREST

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

LA 14/93 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 14/94 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 18/2014

(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The Panel considered the report of the Director of Central Services and Monitoring Officer regarding an application for a Probationary Private Hire Driver's Licence and was advised of information received from the Disclosure and Barring Service.

The Panel listened carefully to the representations made by the Applicant and made the following findings –

1. The application had been made within 5 years of a conviction for possession of a controlled substance, namely Amphetamine. Paragraph 12.4.1 of Appendix D of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Licensing

Policy 2013-2016 (“the Policy”) stated that where an application was made within 5 years of a conviction for a drug-related offence, the application would normally be refused. The Panel did not consider that sufficient evidence had been presented by the Applicant to indicate that it should depart from the Policy position.

2. The Applicant also drew the Panel’s attention to offences committed in 2008 for driving a motor vehicle taken without consent, possession of a bladed article in public and going equipped for theft, which carried custodial sentences in excess of 6 months. As such, those convictions were not considered to be “spent” under the Rehabilitation of Offenders Act 1974. Paragraph 12.13.6 of the Policy stated that the determination as to whether convictions were “spent” may be relevant to the issue of determining whether an applicant was a fit and proper person to hold a licence. Such convictions were therefore relevant to the Panel’s determination.

For these reasons the Panel therefore

RESOLVED: That the Applicant was not a fit and proper person to hold a Probationary Private Hire Driver’s Licence at this time and the application be REFUSED in accordance with s51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

The meeting ended at 9.30 pm
having commenced at 8.30 pm