

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 16th September, 2015

Present: Cllr Mrs J A Anderson (Chairman), Cllr R W Dalton and Cllr F G Tombolis

Councillor Mrs P A Bates was also present as an observer for training purposes.

Together with representatives of the Licensing Authority.

PART 1 - PUBLIC

LA 15/77 DECLARATIONS OF INTEREST

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

LA 15/78 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 15/79 APPLICATION FOR RENEWAL OF A HACKNEY CARRIAGE DRIVER'S LICENCE - CASE NO 16/2015

(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 following the receipt of information from the Disclosure and Barring Service (DBS) that the Applicant had failed to disclose receipt of a Caution on 11 June 2014 under the Fraud Act 2006 S.1(2)A and S.2.

The Panel listened carefully to the representations made by the Applicant, had regard to the report of the Director of Central Services and made the following findings:-

1. The Panel noted the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Licensing Policy.
2. The Panel considered the Policy in particular reference to the offences of dishonesty where the Council would normally refuse an application where the applicant had a conviction or Caution for dishonesty within 4 years of an application being submitted.
3. The Panel took into consideration the circumstances of the incident when the dishonesty with regard to a mobile 'phone had taken place. However, the Panel was not convinced that the Applicant's explanation was sufficient to consider going against the Council's Policy.

In addition, the Panel considered the 'fit and proper person' test to hold a driver's licence as documented within the terms of the Hackney Carriage and Private Hire Licensing Policy.

For these reasons, the Panel therefore

RESOLVED: That the application for the renewal of Hackney Carriage Driver's Licence No. 3066 be REFUSED.

The meeting ended at 11.43 am
having commenced at 11.15 am