

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

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 15/83 DECLARATIONS OF INTEREST

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

LA 15/84 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 15/85 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S
LICENCE - CASE NO 18/2015**

**(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 a Probationary Private Hire 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 for Common Assault on 5 March 2013.

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 Common Assault where the Council would normally refuse an application where the Applicant had a conviction or Caution for Common Assault within 4 years of an application being submitted.
3. The Panel took into consideration the circumstances of the incident when the Common Assault had taken place and considered the letter from his Solicitor dated 4 September 2014 which had been provided by the Applicant. It remained the case that the Caution appeared on the Applicant's Disclosure and Barring Service Certificate and that the letter submitted revealed nothing as to the reason why the Applicant had been awarded compensation.

For these reasons, the Panel therefore

RESOLVED: That the application for a Probationary Private Hire Driver's Licence be REFUSED.

The meeting ended at 1.24 pm
having commenced at 1.00 pm