

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 22nd October, 2015

Present: Cllr Mrs F A Kemp (Chairman), Cllr S M King and Cllr H S Rogers

Councillors R W Dalton, Mrs P A Bates and R V Roud were present as observers.

Together with representatives from the Licensing Authority and the applicant.

PART 1 - PUBLIC

LA 15/93 DECLARATIONS OF INTEREST

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

LA 15/94 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 15/95 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 20/2015

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

Consideration was given 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). The applicant had failed to disclose receipt of a Caution for theft from a motor vehicle on 28 January 2011.

A copy of the application form and DBS certificate were attached as Annexes 1 and 2 respectively to the report. It was noted that the

applicant had not declared the offence on the questionnaire completed on the 16 July 2015, attached as Annex 3.

The Panel listened carefully to the representations made by the applicant, had regard to the report of the Director of Central Services and the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Licensing Policy. In addition, consideration was given to the following:

- The Policy with regard to offences of dishonesty, as set out in Section 12.2.4, where the Borough Council would normally refuse an application where the applicant had a conviction for theft within 4 years of an application being submitted. It was considered that between 4 and 5 years after conviction more weight should be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.
- The circumstances of the incident and the applicant's explanation of the events.
- Whether the applicant was a fit and proper person

After careful consideration of the facts and having due regard to the evidence of the circumstances regarding the offence, set out by the applicant, and the current circumstances of the individual, the Panel

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

The meeting ended at 7.20 pm
having commenced at 7.00 pm