

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 16th December, 2015

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs B A Brown and Cllr H S Rogers

Together with representatives of the Licensing Authority

As an apology for absence had been received from Councillor F G Tombolis in advance of the meeting Councillor Mrs Brown was appointed to serve on the Panel

PART 1 - PUBLIC

LA 15/117 DECLARATIONS OF INTEREST

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

LA 15/118 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 15/119 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 25/2015

(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) which had shown a conviction for assault in January 2011 and for driving while unfit through drink or drugs in December 2013 (both while in Germany) which had not been declared on the application form.

Immediately prior to the meeting the Panel was advised that the Applicant was not in attendance, having advised the Licensing and Community Safety Manager that he was unable to attend due to illness. The Panel considered the reason given for his absence, had regard to the Panel's forthcoming licensing caseload and the cost to the Authority of a rescheduled hearing and determined that the application could be heard in his absence.

The Hearing took place in the Applicant's absence and the Panel had regard to the report of the Director of Central Services and Monitoring Officer and made the following findings:-

1. The Panel noted that the Council's ordinary policy regarding drunkenness when in charge of a vehicle, resulting in disqualification, required a period of at least five years free from conviction before a licence might be granted. In this case, the last conviction for such an offence was in December 2013;
2. The Panel was aware of prior, similar offences which, whilst no determinative of the application, were relevant to the assessment of the Applicant's fitness to be a Private Hire driver; and
3. Furthermore, a conviction for assault from January 2011 was also noted. The Panel was advised that the Council's policy on assault stated that between 4 and 8 years from conviction, weight would be given to character evidence and the circumstances of the offence. No such evidence was before the Panel.

For these reasons the Panel therefore

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

The meeting ended at 10.37 am
having commenced at 10.20 am