

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 24th February, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs B A Brown and
Cllr R V Roud

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 16/1 DECLARATIONS OF INTEREST

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

LA 16/2 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 16/3 RENEWAL OF HACKNEY CARRIAGE DRIVER'S LICENCE
(CASE NO 01/2016)**

**(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 the renewal of a Hackney Carriage Driver's Licence where the Applicant had failed to supply the Disclosure and Barring Service (DBS) certificate issued on 5 May 2015.

Immediately prior to the meeting the Panel was advised that the Applicant was not in attendance. The Licensing and Community Safety Manager was contacted by the Applicant and the Panel was advised that the Applicant had not been at his registered address for some time and had not received any correspondence from the Licensing Authority. The

Panel was advised that the Applicant had the DBS Certificate which he would present to the Licensing Manager on 25 February 2016.

The Panel considered the statement made by the Applicant, had regard to the Panel's forthcoming caseload and the cost to the Authority of a rescheduled hearing and determined that the application could be heard in his absence.

The Panel had regard to the report of the Director of Central Services and Monitoring Officer and made the following findings:-

1. The Panel considered the information provided verbally by the Applicant and the fact that he could produce the DBS Certificate the following morning. The Panel noted the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Licensing Policy.
2. The Panel noted that the Applicant had been written to on 23 July 2015 and 5 November 2015 reminding him of the requirement to submit the DBS certificate prior to the renewal of a Driver's licence.
3. The Panel expressed concern that, without the Licensing Officer's scrutiny of the DBS certificate, there may be Safeguarding or public safety issues which the Authority was unaware of.

For these reasons the Panel therefore

RESOLVED: That

- (1) the decision to determine the Hackney Carriage Driver's Licence on production of the DBS Certificate be delegated to the Licensing and Community Safety Manager; and
- (2) should the Applicant fail to produce the Certificate on 25 February 2016, the Licensing and Community Safety Manager be authorised to revoke the Applicant's Hackney Carriage Driver's Licence.

The meeting ended at 9.51 am
having commenced at 9.44 am