

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 6th April, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr H S Rogers and Cllr M Taylor
Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 16/19 DECLARATIONS OF INTEREST

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

LA 16/20 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 16/21 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE (CASE NO 5/2016)

(Reason: LGA 1972 Sch12A 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 and the information revealed on the Disclosure and Barring Service (DBS) Certificate which had shown a conviction under s1(2)(A) and s2 of the Fraud Act 2006 in February 2014.

The Panel listened carefully to the information provided by the Applicant, had due regard to the evidence he provided of the circumstances regarding the offence and had regard to the report of the Director of Central Services and Monitoring Officer and to the Tonbridge and

Malling Borough Council Hackney Carriage and Private Hire Licensing Policy.

The Panel was mindful of the seriousness of the offence of which the Applicant had been convicted and was concerned that all taxi drivers should be wholly trustworthy. The Panel noted the circumstances of the offence which had been revealed on the DBS Certificate supplied by the Applicant. The Panel concluded that, whilst the offence had been committed within a period which the Authority's Policy would usually require refusal of an application, it was satisfied this appeared to be a 'one-off' offence and a mistake which the Applicant had readily admitted to the Police and the Panel. In addition, the Panel noted the Applicant's intention to apply for a Hackney Carriage Driver's Licence and suggested that, because of the unspent conviction, it would be inadvisable to do so until the expiration of the probationary period.

The Panel, therefore,

RESOLVED: That, subject to the Driver attending a meeting with the Licensing and Community Safety Manager on a monthly basis during the twelve month probationary period, the application for a Probationary Private Hire Driver's Licence be APPROVED.

The meeting ended at 10.24 am
having commenced at 9.30 am