

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 16/22 DECLARATIONS OF INTEREST

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

LA 16/23 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 16/24 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE (CASE NO 6/2016)

(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 following the receipt of information from the Disclosure and Barring Service (DBS) which had shown a conviction under Common Law dated March 2012 for the offence of 'doing act tending and intended to pervert the course of Public Justice on 2 May 2011'.

The Panel listened carefully to the information provided by the Applicant, had due regard to the evidence she 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, and, in particular, the reference to offences involving dishonesty. The Panel noted that, under the Policy, an application submitted within 4 years of conviction for such an offence would normally result in a refusal. Where an application was submitted between 4 and 5 years after conviction, more weight would be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.

The Panel was mindful of the seriousness of the offence of which the Applicant had been convicted at the Crown Court and was concerned that the Applicant had made a conscious decision to break the law despite the fact that, as a Police Community Support Officer at the time of the offence, she must have been aware of the consequences of doing so and would have had ample opportunity to take advice on the serious consequences of her actions.

The Panel concluded that, whilst it had taken into account the evidence of recent 'good character' provided by the Applicant, it remained unconvinced that she was, at present, a 'fit and proper' person to hold a Probationary Private Hire Driver's Licence.

For these reasons the Panel, therefore,

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

The meeting ended at 11.22 am
having commenced at 10.34 am