

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 27th July, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs P A Bates and Cllr R V Roud

Councillor Mrs S M Barker was also present pursuant to Council Procedure Rule No 15.21.

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 16/64 DECLARATIONS OF INTEREST

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

LA 16/65 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 16/66 APPLICATION FOR DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVING LICENCE (CASE NO 15/2016)

(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 a Dual Hackney Carriage and Private Hire Driver's Licence following the receipt of information from the Disclosure and Barring Service (DBS).

The Panel listened carefully to the information provided by the Applicant, had due regard to the report of the Director of Central Services and to the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy and made the following findings:-

1. The Panel noted the relevant provisions of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Licensing Policy.
2. The Panel considered this as a serious offence for which the Applicant was convicted just over three years ago to a five year custodial sentence.
3. The Panel considered the Policy and, in particular, the reference to offences involving dishonesty. It noted that, under the Policy (paragraphs 12.2.3 and 12.2.4 of Appendix D), an application submitted within 4 years of conviction for such an offence would normally result in a refusal. Where an application is 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.

For these reasons the Panel therefore

RESOLVED: The application for a Dual Hackney Carriage and Private Hire Driver's Licence be REFUSED.

The meeting ended at 12.15 pm
having commenced at 11.30 am