

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 26th August, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs P A Bates and Cllr O C Baldock

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 16/70 DECLARATIONS OF INTEREST

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

LA 16/71 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 16/72 APPLICATION FOR A PROBATIONARY PRIVATE HIRE LICENCE (CASE NO 17/2016)

(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 Probationary Private Hire Driver's Licence following receipt of information from the Disclosure and Barring Service (DBS) that the Applicant had received a conviction on 19 September 2013 for Battery.

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 that the Applicant had made a conscious decision to declare on his questionnaire that he had no convictions for assault or any other offence.
2. The Applicant had a conviction dated 19 September 2013 for Battery under s.39 of the Criminal Justice Act 1988.
3. The Panel considered the Policy, and in particular to paragraph 12.3.1 which stated that where the Applicant has a conviction for assault within the last 4 years, an application would normally be refused.
4. The Panel did not hear any mitigating circumstances from the Applicant or any reasons to encourage them to deviate from the Policy.

For these reasons the Panel therefore

RESOLVED: That the application for a Probationary Private Hire Driver's Licence under s 51 of the Local Government (Miscellaneous Provisions) Act 1976 be REFUSED on the basis that the Applicant was not a fit and proper person to hold the licence.

The meeting ended at 11.25 am
having commenced at 10.45 am