

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Thursday, 15th December, 2016**

**Present:** Cllr Mrs J A Anderson (Chairman), Cllr H S Rogers and Cllr R V Roud  
Together with representatives of the Licensing Authority

**PART 1 - PUBLIC**

**LA 16/97 DECLARATIONS OF INTEREST**

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

**LA 16/98 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 16/99 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 25/2016**

**(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 Caution under S.1(2)(A)-S.2 of the Fraud Act 2006 on 17 January 2014 for making a False Representation on 4 September 2013.

The Panel listened carefully to the information provided by the Applicant and noted that he had declared the Caution on the questionnaire which accompanied his application. The Panel had due regard to the report of the Director of Central Services and to the following:-

- (1) that Paragraph 1.5.4 of the Policy stated that Public Safety was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence;
- (2) that Paragraph 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (3) that Paragraph 12.2.4 of the Policy regarding the relevance of previous convictions stated that an application would normally be refused where an applicant had a conviction for an offence of Fraud if the conviction was less than 4 years prior to the date of the application;
- (4) with regard to Offences of Dishonesty, Paragraph 12.2.1 of the Policy stated that Drivers of hackney carriage and private hire vehicles were expected to be persons of trust; and
- (5) with regard to Offences of Dishonesty, Paragraph 12.2.2 of the Policy stated that members of the public entrusted themselves to the care of the drivers.

The Panel found that Tonbridge and Malling Borough Council had a clear policy in relation to previous convictions and cautions and that the Applicant had accepted a Caution for Dishonesty, which was an admission of guilt. While the Panel had listened carefully to the Applicant's explanation of the circumstances surrounding the Caution it saw no reason to depart from the Council's Policy and therefore

**RESOLVED:** That the application for a Probationary Private Hire Driver's Licence be REFUSED on the basis that the Applicant was not a fit and proper person to hold the licence.

The meeting ended at 10.17 am  
having commenced at 9.30 am