

**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 from the Licensing Authority and the applicant.

**PART 1 - PUBLIC**

**LA 16/109 DECLARATIONS OF INTEREST**

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

**LA 16/110 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 16/111 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 26/2016**

**(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). The Panel was reminded that the Applicant had been convicted of an offence on 2 May 2011 under Common Law in respect of the perversion of the course of Public Justice and that a previous application for a Probationary Private Hire Driver's licence had been refused at a Hearing held on 6 April 2016.

The Panel listened carefully to the information provided by the Applicant's representative, 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 where an application for a licence had been refused (either a new application or a renewal), or revoked, a further application from the applicant/licence holder would not be considered for a period of two years from the date of refusal or revocation as the case may be (Paragraph 11.8.7);
- (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 the starting point for its consideration was the Licensing Policy currently in force and that that Policy ordinarily suggested that repeat applications within a period of two years should be refused. In relation to Offences of Dishonesty, the Policy required that greater weight be given to the circumstances of the offence and evidence of good character after a period of 4 years. Having heard the submission made at the Hearing the Panel was satisfied that the Applicant was a fit and proper person to hold a probationary licence and, therefore

**RESOLVED:** That the application for a Probationary Private Hire Driver's Licence be GRANTED on the basis that the Applicant was a fit and proper person to hold the licence.

The meeting ended at 2.32 pm  
having commenced at 1.49 pm