

**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 16/112 DECLARATIONS OF INTEREST**

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

**LA 16/113 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 16/114 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 27/2016**

**(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 under S.6(1) of the Bail Act 1976 on 5 May 2016 for Failing to Surrender to Custody at Appointed Time on 6 April 2016 for which he had a custodial sentence of two months.

The Panel listened carefully to the information provided by the Applicant regarding the reason why he had failed to surrender himself to custody and noted that he had not declared the conviction 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; and
- (2) that Paragraph 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits.

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the Conviction and stressed that failure to surrender to bail was an extremely serious matter. The Panel noted the extenuating circumstances put forward by the Applicant and took into account his long history as a taxi driver with no other convictions or cautions. The Panel, therefore

**RESOLVED:** That the Applicant be GRANTED a Probationary Private Hire Driver's Licence.

The meeting ended at 3.35 pm  
having commenced at 2.43 pm