

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 4th October, 2017

Present: Cllr Mrs F A Kemp (Chairman), Cllr Mrs P A Bates and Cllr M Taylor

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/53 DECLARATIONS OF INTEREST

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

LA 17/54 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 17/55 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 13/2017

(Reasons: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The Panel was asked to consider whether an application for a Probationary Private Hire Driver's Licence should be granted following the receipt of information from the Disclosure and Barring Service (DBS).

The Panel was advised that the Applicant, in completing the questionnaire which accompanied the application, had disclosed a Caution for Possessing a Controlled Drug – Class B – Cannabis/Cannabis Resin dated 5 September 2013.

The Panel had regard to the report of the Director of Central Services and Monitoring Officer and to the following:-

- (1) that Section 1.5.4 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire 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 Section 5.6.6 of the Policy stated that a licence was conditional on there being no adverse information revealed on the DBS disclosure which would render the applicant as not 'Fit and Proper';
- (3) that Section 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (4) that, with regard to previous convictions, the overriding consideration was the safety of the public although some discretion may be appropriate if the offence was isolated and there were mitigating circumstances; and
- (5) that Section 12.4 of the Policy stated that an application would normally be refused when it has been made within 5 years of the date of conviction for a drug-related offence.

The Panel listened carefully to the Applicant's full and candid explanation of the circumstances of the offence and took into account her qualifications and experience as a care worker and the endorsement provided by her Mentor. The Panel concluded that the Applicant was a 'Fit and Proper' person to hold a licence. For these reasons the Panel, therefore

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

The meeting ended at 10.31 am
having commenced at 10.00 am