

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 16th February, 2018

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

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/4 DECLARATIONS OF INTEREST

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

LA 18/5 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 18/6 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER
LICENCE - CASE NO 01/2018**

**(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 DBS Certificate, submitted with the application, had disclosed that the Applicant had received a conviction dated 17 February 2010 for Common Assault.

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 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (3) that Section 5.7.5 of the Policy regarding the relevance of previous convictions required that the Council had regard to the following: whether convictions were spent or unspent, class of the offences, age of the offences and the apparent seriousness, as gauged by the penalty;
- (4) that Section 12.3.1 of the Policy stated that, in respect of violent offences, a period of 4 to 10 years conviction free was required before an application was considered favourably; and
- (5) that Section 12.12.1 required that Cautions and Endorsable Fixed Penalties should be treated as though they were convictions and must be disclosed.

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the conviction. The Panel also took into account all previous convictions, regardless of the age of those convictions, when assessing whether the Applicant could be considered as a 'Fit and Proper' person to hold a licence. However, the Panel remained concerned that, given the nature of other offences which appeared on the DBS certificate, public safety might be compromised by granting a licence at this time. For this reason the Panel was not satisfied that the Applicant was a 'Fit and Proper' person to hold a licence and, therefore,

RESOLVED: That the application for a Probationary Private Hire Driver's Licence be REFUSED.

The meeting ended at 10.25 am
having commenced at 10.00 am