

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 18/7 DECLARATIONS OF INTEREST

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

LA 18/8 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 18/9 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER
LICENCE - CASE NO 02/2018**

**(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 2 convictions dated 30 September 2013 for Resist or Obstruct Constable and Use disorderly behaviour or threatening/abusive/insulting words likely to cause harassment alarm or distress.

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; and
- (4) that Section 12.3.2 of the Policy stated that, in respect of violent offences, an application would normally be refused if made less than 4 years after the date of conviction. If the application was made between 4 and 8 years after conviction more weight would be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the conviction. The Panel also took into account the Council's policy requirement that after four years from the date of conviction greater weight could be given to the evidence of good character provided by the Applicant and his current supervisor. The Panel noted that the Applicant appeared to have learned from his mistakes and had matured. For these reasons the Panel was 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 GRANTED.

The meeting ended at 11.30 am
having commenced at 11.00 am