

## TONBRIDGE AND MALLING BOROUGH COUNCIL

### LICENSING AND APPEALS PANEL

Friday, 6th April, 2018

**Present:** Cllr Mrs J A Anderson (Chairman), Cllr Mrs F A Kemp and Cllr H S Rogers

Together with representatives of the Licensing Authority

Following an apology for absence received from Councillor O C Baldock prior to the meeting Councillor Rogers had been appointed to serve on the Panel

#### PART 1 - PUBLIC

##### **LA 18/31 DECLARATIONS OF INTEREST**

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

##### **LA 18/32 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 18/33 APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE - CASE NO 08/2018**

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

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

The Panel was advised that the DBS Certificate had disclosed three Convictions dated 4 December 2015 for Destroy or damage property (Value of Damage £5000 or less – offence against Criminal Damage Act 1971 Only) on 7 November 2015. Criminal Damage Act 1971 S.1(1). The Panel noted that the Applicant had declared the conviction on his renewal application.

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, in respect of previous convictions, Section 12.3.1 of the Policy stated that, in general a period of 4 to 10 years free of conviction of offences including violence would be required before an application was likely to be considered favourably; and
- (4) that Section 12.3.2 of the Policy stated that an application would normally be refused where the Applicant has a conviction of an offence of Criminal Damage and the conviction was less than 4 years prior to the date of application.

The Panel listened carefully to the explanation given by the Applicant of the circumstances surrounding the convictions for Criminal Damage and noted that he had held a licence for 10 years without any previous problems. The Panel felt that the Applicant had provided a candid explanation of the incident leading to his convictions and had shown genuine remorse. Additionally, the Panel noted that the incident had nothing to do with his work as a licensed driver. In this case the Panel felt that the Applicant was a fit and proper person to continue to hold a private Hire Driver's Licence. For these reasons, therefore, the Panel

**RESOLVED:** That the Application for the renewal of the Private Hire Driving Licence be GRANTED.

The meeting ended at 1.52 pm  
having commenced at 1.00 pm