

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 25th July, 2018

Present: Cllr D Keers (Chairman), Cllr Mrs J A Anderson and
Cllr Mrs B A Brown

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/76 DECLARATIONS OF INTEREST

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

LA 18/77 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 18/78 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S
LICENCE - CASE NO 16/2018**

**(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 had disclosed that the Applicant had a Caution dated 14 September 2017 – Theft by Employee on 28 July 2017, Theft Act 1968 S.1. The Panel noted that the Applicant had declared the Caution for theft on the questionnaire submitted with the application.

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

- (1) that Section 1.4.4 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 4.7.6 of the Policy stated that the licence was conditional upon there being no adverse information revealed on the DBS disclosure which would render the applicant not 'Fit and Proper';
- (3) that Section 4.8.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (4) that in respect of Cautions, Section 4.8.4 of the Policy stated that the Council would have regard to the class and age of the offence and the age of the applicant when the offence occurred when considering their relevance to an application; and
- (5) that in respect of Offences of Dishonesty, Section 10.3.1 of the Policy stated that, in general, a period of 4 years free of conviction was required before an application was likely to be considered.

The Panel listened carefully to the explanation given by the Applicant of the circumstances surrounding the Caution for Theft and concluded that, as the offence had taken place within the last year and there was no extenuating circumstance or compelling reason to deviate from the Council's Hackney Carriage and Private Hire Policy, the Applicant was not a fit and proper person to hold a Probationary Private Hire Driver's Licence. For these reasons the Panel, therefore

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

The meeting ended at 11.40 am
having commenced at 11.00 am