

**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 18/79 DECLARATIONS OF INTEREST**

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

**LA 18/80 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 18/81 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S  
LICENCE - CASE NO 17/2018**

**(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 Conviction dated 15 March 2013 for Destroy or Damage Property (value of Damage £5000 or less – offence against Criminal Damage Act 1971 only) Criminal Damage Act s.1(1). The Panel noted that the Applicant had not declared the Conviction on the questionnaire submitted with the application.

The Panel had regard to the report of the Director of Central Services 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 in respect of the relevance of previous convictions, Section 4.8.3 of the Policy required that the Council had regard to whether convictions were spent or unspent, class of the offences, age of the offences and the apparent seriousness, as gauged by the penalty; and
- (3) that Section 10.4.1 stated that applications would normally be refused where the conviction was less than 8 years old.

The Panel gave careful consideration to the application and the DBS Certificate and listened carefully to the Applicant's representations about his current circumstances, his explanation regarding the conviction and his failure to disclose the previous conviction on his application. The Panel took particular note of Section 10.4 of the Policy and found that there were no compelling or extenuating circumstances to justify deviation from the Council's Policy. The Panel concluded that 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 12.42 pm  
having commenced at 12 noon