

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 20th October, 2023

Present: Cllr M Taylor (Chair), Cllr C J Williams and Cllr K S Tunstall.

Together with representatives of the Licensing Authority.

An apology for absence was received from Councillor C Brown.

PART 1 - PUBLIC

LAP 23/25 DECLARATIONS OF INTEREST

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

LAP 23/26 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

LAP 23/27 REVIEW OF A PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER'S LICENCE - CASE 007/2023

The Licensing and Appeals Committee, sitting as a Panel was asked to consider whether any action was appropriate in respect of a holder of a Hackney Carriage and Private Hire (Dual) Driver's licence, following the receipt of information from the Disclosure and Barring Service (DBS).

The driver produced a DBS certificate as part of their renewal application, and it showed that they had a conviction for breaching a non-molestation order on 18 January 2023. The driver had not declared this conviction during their renewal application, nor had they notified the Licensing Team within seven days of receiving the conviction as required by the Councils policy.

The Panel listened carefully to all the information provided by the driver and the character witness provided by their employer of many years. Whilst they recognised the driver had failed to notify the Licensing Team

of their conviction, they were satisfied that this was a misunderstanding rather than a deliberate attempt to withhold the information.

Taking into consideration everything that the driver had said at the hearing, the character witness provided by their employer and the clean record confirmed by the Licensing Officer, the Panel were satisfied that the driver did not pose a safeguarding risk to the public and therefore granted the renewal of the Hackney Carriage and Private Hire (Dual) drivers licence.

RESOLVED: That, in respect of Case Number 007/2023, the Hackney Carriage and Private Hire (Dual) Driver's licence be GRANTED.

The meeting ended at 10.42 am
Having commenced at 10.00 am