

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 29th July, 2015

Present: Cllr Mrs J A Anderson (Chairman), Cllr M A Coffin and Cllr H S Rogers

Councillor Mrs B A Brown was also present pursuant to Council Procedure Rule No 15.21.

Together with representatives of the Licensing Authority.

PART 1 - PUBLIC

LA 15/53 DECLARATIONS OF INTEREST

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

LA 15/54 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 15/55 APPLICATION FOR DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - CASE NO 12/2015

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

The Panel gave consideration to the report of the Director of Central Services and Monitoring Officer regarding an application for a Dual Hackney Carriage and Private Hire Driver's Licence following the disclosure of information in respect of a Caution on the application form and the receipt of information from the Disclosure and Barring Service (DBS).

The Panel listened carefully to the representations made by the Applicant regarding the circumstances surrounding the offence, had regard to the report of the Director of Central Services, noted that

Paragraph 12.12.1 of Appendix D of the Council's Hackney Carriage and Private Hire Licensing Policy provided that a Caution should be treated as though it was a conviction and made the following findings:-

1. The Panel noted that the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Licensing Policy stated that, where offences of soliciting had been committed, an application would normally be refused until a substantial period (usually between 5 and 10 years) free of any such conviction can be shown; and
2. It was noted that the relevant Caution was on the 24 February 2012.

The Panel considered the "fit and proper" test to hold a driver's licence as documented within the terms of the Hackney Carriage and Private Hire Policy and found that there were no circumstances in this case that would warrant a departure from the Policy.

For these reasons the Panel therefore

RESOLVED: That the Application for a Dual Hackney Carriage and Private Hire Driver's Licence be REFUSED.

The meeting ended at 10.03 am
having commenced at 09.30 am