

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 26th August, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs P A Bates and Cllr O C Baldock

Councillor Mrs S M Barker was also present pursuant to Council Procedure Rule No 15.21.

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 16/73 DECLARATIONS OF INTEREST

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

LA 16/74 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 16/75 APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE (CASE NO 18/2016)

(Reason: 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 Service (DBS). The Applicant was contacted via mobile 'phone as he had failed to arrive prior to the start of the meeting and he confirmed that he had received the agenda papers but had forgotten about the Hearing. The Panel listened very carefully to the Driver's request that the Hearing be adjourned to allow him to attend and his confirmation that he was happy for the application to be considered in his absence.

The Hearing took place in the Driver's absence and the Panel had regard to the report of the Director of Central Services and Monitoring Officer. The Panel made the following findings:-

1. The Panel refused the request for an adjournment as it was not convinced by the reason given by the Applicant.
2. The applicant had failed to declare on his renewal application form the conviction in 2014 under the Theft Act 1968 s.1(1) for Theft (By Employee) on 11 November 2013.
3. The Panel considered the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy and the provision which stated that an application would normally be refused following a conviction for dishonesty.

For these reasons the Panel therefore

RESOLVED: That the application for the renewal of a Private Hire Driver's Licence under s.61(1)(a)(i) of the Local Government (Miscellaneous Provisions) Act 1976 be REFUSED on the basis that the Applicant was not a fit and proper person to hold the licence.

The meeting ended at 12.00 pm
having commenced at 11.30 am