

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Friday, 5th April, 2019**

**Present:** Cllr O C Baldock (Chairman), Cllr Mrs S M Barker and  
Cllr Mrs B A Brown

Together with representatives of the Licensing Authority

**PART 1 - PUBLIC**

**LA 19/24 DECLARATIONS OF INTEREST**

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

**LA 19/25 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 PART 3 OF THE CONSTITUTION  
(RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

**LA 19/26 APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S  
LICENCE - CASE NO 03/2019**

**(Reasons: LGA 1972 Sch 12A Paragraph 1 – Information relating to any individual)**

The Panel was asked to consider whether an application for the renewal of a Private Hire Driver's Licence should be granted under s.61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 following the receipt of information from the Disclosure and Barring Service (DBS). It was noted that the Applicant, in submitting his renewal application on 10 January 2018, had failed to declare the receipt of a police caution for Common Assault on 18 June 2015, Criminal Justice Act 1988 s.39.

The Panel had due regard to the report of the Director of Central Services, DBS Certificate Number 001632797161, the sections of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire relating to the Disclosure and Barring Service check, assessment of

'Fit and Proper Person' and the relevance of previous convictions, together with the Institute of Licensing Guidance on determining the suitability of applicants.

The Panel, having considered the facts that the Applicant had received a police caution which he had failed to declare on his application form or to inform the Council of the caution during the previous licence period as required under the Council's policy,

**RESOLVED:** That the application for the renewal of Private Hire Driver Licence (Badge No 48) be REFUSED.

The meeting ended at 10.55 am  
having commenced at 10.00 am