

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 19/30 DECLARATIONS OF INTEREST

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

LA 19/31 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 19/32 APPLICATION FOR A DUAL HACKNEY CARRIAGE AND PRIVATE
HIRE DRIVER'S LICENCE - CASE NO 06/2019**

**(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 Dual Hackney Carriage and Private Hire Driving 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, who had submitted a renewal application on 3 December 2018, had declared that no convictions or cautions had been received since the previous licence was granted.

The Applicant had produced a Disclosure and Barring Service (DBS) Certificate which had shown the following convictions:-

Date of conviction – 4 June 2018 for Failing to report accident on 15 February 2018 (Road Traffic Act 1988 S.170(4) – Disposal: Community Order 19/12/19; Driving Licence Endorsed and unpaid work requirement.

Date of conviction – 20 December 2018 for Failing to stop after accident on 15 February 2018 (Road Traffic Act 1988 S.170(4) – Disposal: Community Order 19/12/19; Driving Licence Endorsed with 8 penalty points; Costs £500; unpaid work requirement and Victim Surcharge £85.00.

The Panel had due regard to the report of the Director of Central Services, DBS Certificate Number 001647228281, 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', the relevance of previous convictions and major traffic offences, together with the Institute of Licensing Guidance on determining the suitability of applicants. Additionally the Panel noted that, on 7 March 2018, the Applicant had informed the Licensing Officer of an on-going investigation following an incident on 15 February 2018.

The Panel, having considered the facts that the Applicant had failed to notify the Council of a conviction on 4 June 2018 for failing to report an accident as required under the Council's Hackney Carriage and Private Hire Licensing Policy and had subsequently failed to declare that conviction on the application form

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

The meeting ended at 12.55 pm
having commenced at 12.00 noon