

## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION SUB-COMMITTEE held in MR0.1A, Ground Floor, Pathfinder House, Huntingdon PE29 3TN on Friday, 9 November 2018.

PRESENT: Councillor S J Criswell – Chairman.  
Councillors Mrs A Dickinson, Mrs P A Jordan and D J Mead.

### **43. MINUTES**

The Minutes of the meeting held on 10th October 2018 were approved as a correct record and signed by the Chairman.

### **44. MEMBERS INTERESTS**

No declarations were received.

### **45. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED

that the press and public be excluded from the meeting because the business to be transacted contains exempt information relating to individuals and is subject to an obligation of confidentiality.

### **46. LICENSING AND PROTECTION SUB-COMMITTEE PROCEDURE**

The Licensing and Protection Sub-Committee's Procedure was received and noted.

### **47. CONVICTIONS GUIDANCE**

The Council's Guidelines relating to the relevance and treatment of convictions was received and noted.

### **48. NEW APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE**

With the assistance of a report by the Head of Community (a copy of which is appended in the Annex to the Minute Book) the Sub-Committee considered an application for a Hackney Carriage and Private Hire Driver's Licence from Mr AY who had motoring convictions and previously had been refused renewal of his licence by the authority (Minute No. 18/8 refers).

A copy of the applicant's check undertaken by the Disclosure and Barring Service (DBS) was provided to the Sub-Committee and Members were advised of the options available to them in respect of this application.

Mr AY was then permitted to address the Sub-Committee and in

doing so took the opportunity to provide an explanation surrounding previous non-declaration of his convictions and his convictions declared on his current application. Following a number of questions from the Sub-Committee he then left the meeting to enable Members to make their determination.

The Sub-Committee gave careful consideration to the application, the information within the committee report, the contents of the DBS check together with the submission made by the applicant. The Sub-Committee also took into account the District Council's guidelines relating to the relevance and treatment of convictions, the District Council's Schedule of Conditions of licence, the legislative and policy provisions, statutory guidance and advice from their legal representative.

Whereupon, the Sub-Committee

**RESOLVED**

that the application for a Hackney Carriage and Private Hire Drivers Licence be granted.

**49. NEW APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE**

With the assistance of a report by the Head of Community (a copy of which is appended in the Annex to the Minute Book) the Sub-Committee considered an application for a Hackney Carriage and Private Hire Licence from Mr WY who had an undeclared conviction.

A copy of the applicant's check undertaken by the Disclosure and Barring Service (DBS) was provided to the Sub-Committee and Members were advised of the options available to them in respect of the application.

Mr WY was then permitted to address the Sub-Committee and in doing so provided an explanation as to the circumstances surrounding the applicant's previous offence and why he had failed to declare his previous offence. Following a number of questions from the Sub-Committee he then left the meeting to enable Members to make their determination.

The Sub-Committee gave careful consideration to the application, the information within the committee report, the contents of the DBS check together with the submission made by the applicant. The Sub-Committee also took into account the District Council's guidelines relating to the relevance and treatment of convictions, the District Council's Schedule of Conditions of licence and the legislative and policy provisions.

Whereupon, the Sub-Committee

**RESOLVED**

that the application for a Hackney Carriage and Private Hire Driver's Licence be granted.

**50. NEW APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE**

With the assistance of a report by the Head of Community (a copy of which is appended in the Annex to the Minute Book), the Sub-Committee considered an application for a Hackney Carriage and Private Hire driver's licence from Mr ZT who did not meet the Council's published criteria to hold such a licence owing to his previous motoring convictions and criminal conviction.

Copies of the applicant's checks undertaken by the Disclosure and Barring Service (DBS) and the Driver and Vehicle Licensing Agency (DVLA) were provided to the Sub-Committee and Members were advised of the options available to them in respect of this application.

The applicant was then given the opportunity to address the Sub-Committee. Following a number of questions from the Sub-Committee surrounding his convictions and other relevant information disclosed at the Chief Police Officers' discretion in relation to a driving incident that had failed to proceed to prosecution, the applicant then left the meeting to enable the Sub-Committee to make their determination.

The Sub-Committee gave careful consideration to the application, the information within the Sub-Committee report and the contents of the DBS and DVLA portal check, together with the submission made by the applicant. The Sub-Committee also took into account the Council's guidelines relating to the relevance and treatment of convictions, the District Council's Schedule of Conditions of licence and the legislative and policy provisions.

Whereupon, the Sub-Committee

**RESOLVED**

that the application be refused because the applicant is not a fit and proper person to be licensed by the Authority owing to the nature of his recent driving convictions and driving incident disclosed by the Chief Police Officer. The Sub-Committee had not heard anything that would make it depart from the Council's guidelines and policies on this occasion.

The applicant was advised of his right of appeal to the Magistrates' Court within 21 days.

Chairman