

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION SUB-COMMITTEE held in the Meeting Room 0.1A, Ground Floor , Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 24 July 2019

PRESENT: Councillor S J Criswell – Chairman.

Councillors J R Clarke, Mrs P E Shrapnel and R J West.

19 MINUTES

The Minutes of the meeting of the Sub-Committee held on 3rd July 2019 were approved as a correct record and signed by the Chairman.

20 MEMBERS INTERESTS

No declarations were received.

21 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.

22 LICENSING AND PROTECTION SUB-COMMITTEE PROCEDURE

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

23 CONVICTIONS GUIDANCE

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

24 NEW APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE

(Miss VSP accompanied the applicant in a supporting capacity).

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 from Mr AI which had been referred to the Licensing and Protection Sub-Committee for consideration.

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

Mr AI was then permitted to address the Sub-Committee and in doing was invited to explain why the Sub-Committee should depart from their Licensing Policy on this occasion, specifically Sections 6.4 and 3.10. Miss VSP also addressed the Sub-Committee on the applicant's behalf in a supporting capacity. Following a number of questions from Members, Mr AI and Miss VSP 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 and on his behalf. The Sub-Committee also took into account the District Council's Licensing Policy – 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.

Having concluded that applicant had provided no reason or rationale for Members to depart from Sections 6.4 and 3.10 of their Policy, the Sub-Committee were also concerned about the combined effect of these breaches and in these circumstances deemed that he was not currently a fit and proper person to hold a Hackney Carriage and Private Hire drivers licence. Whereupon, it was

RESOLVED

that the application be refused.

25 NEW APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE

Having considered a request from the applicant for a postponement to enable further clarification of an issue relating to his Disclosure and Barring Service check and the potential need for a translator, it was

RESOLVED

that this application be deferred to a future meeting of the Sub-Committee.

26 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 from Mr ML which had been referred to the Licensing and Protection Sub-Committee for consideration.

Copies of the applicant's checks undertaken by the Disclosure and Barring Service (DBS) and the Driver 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.

Mr ML was then permitted to address the Sub-Committee and in doing so apologised and outlined his reasons for failing to declare a previous conviction on his application, together with the circumstances of a speeding offence.

Following questions from Members, clarification was sought with regards to the circumstances of the applicant's previous conviction. Mr ML 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 and DVLA checks together with the submission made by the applicant. The Sub-Committee also took into account the District Council's Licensing Policy – 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, it was

RESOLVED

that the application be granted as the applicant had explained the circumstances behind his failure to declare an earlier conviction and apologised for his error.

27 NEW APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE

Having considered a request from the applicant for a postponement as he was unable to attend the Sub-Committee meeting on this occasion, it was

RESOLVED

that this application be deferred to a future meeting of the Sub-Committee.

Chairman