

## 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, 25 September 2019

PRESENT: Councillor J R Clarke – Chairman.

Councillors Mrs A Dickinson, Mrs P A Jordan and Mrs P E Shrapnel.

### 28 ELECTION OF CHAIRMAN

In accordance with the Licensing and Protection Sub-Committee Procedure and in the absence of the Chairman of the Licensing and Protection, it was

RESOLVED

that Councillor J Clarke be elected as Chairman of the Sub-Committee for the meeting.

**Councillor J Clarke in the Chair.**

### 29 MINUTES

The Minutes of the meeting of the Sub-Committee held on 25th July 2019 were approved as a correct record and signed by the Chairman.

### 30 MEMBERS INTERESTS

No declarations were received.

### 31 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.

### 32 LICENSING AND PROTECTION SUB-COMMITTEE PROCEDURE

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

### 33 CONVICTIONS GUIDANCE

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

### 34 RENEWAL APPLICATION FOR : PRIVATE HIRE OPERATOR LICENCE

*(The joint Applicants were both in attendance. Messrs AI and AQ attended in a supporting capacity as employees of the Operator).*

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 a renewal application for a Private Hire Operator Licence. The Sub-Committee was requested to consider the application as a result of inconsistencies within the application and alleged non-compliance issues during the period of their current licence.

Following an introduction by the Licensing Manager outlining the Council's case, the applicants and the representatives from the Operator were invited to address the Sub-Committee. In doing so, they sought to respond to each of the issues with regard to the application and alleged non-compliance with licensing conditions in turn. A lengthy discussion ensued on each of these points between Members, Council Officers and the Operator's representatives. During which time and in part of their defence a number of written documents were submitted by the Applicants to the Sub-Committee.

The Operator reiterated that they had been working with the District Council for several years and that many of the conditions had only recently been bought in as a result of the introduction of a new Licensing Policy in January 2019. They also reiterated their desire to work more closely with the District Council to improve their relationship with them.

There then followed a brief adjournment to enable Officers to clarify the details of some of the evidence and claims which had been made in the Operator's defence.

On resumption and following clarification on the matters requested, attention turned to the issue of the inclusion within the application of a 'satellite office' at an address out of the area. Following further discussion and having been advised that this was contrary to the District Council's Policy, the applicants agreed to remove the satellite office from their application. The applicants were advised that they would need to obtain an additional licence from Peterborough City Council if they wanted to pursue this approach.

Whereupon the Sub-Committee gave consideration to the application, the information within the committee report, together with the submissions made by the applicants and on their behalf. The Sub-Committee also took into account the District Council's Hackney Carriage and Private Hire Licensing Policy, the Conditions of licence, the legislative and policy provisions and advice from their legal representative.

Whilst the Sub-Committee was satisfied that it was appropriate to grant the licence, Members had significant concerns as to compliance with the District Council's current licensing policies. As a result, and to provide an opportunity for the Operator to demonstrate compliance with the Council's licensing policies, it was

**RESOLVED**

that the application be granted for a period of 12 months.

The Applicants were advised of their right of appeal to the Magistrates Court within 21 days.

### **35 HACKNEY CARRIAGE DRIVER APPLICATION**

Further to Minute No. 27 and 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 AH whose application had been referred to the Licensing and Protection Sub-Committee for consideration.

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 AH was then permitted to address the Sub-Committee and in doing so took the opportunity to explain the circumstances surrounding his previous caution and the reasons why he considered that he should be granted a licence. Clarification had already been provided as to his reasons for failing to declare the caution on his application.

Following several questions from Members and Officers regarding the event leading to his caution and his previous licence held with South Cambridgeshire District Council, Mr AH then left the meeting to enable Members to make their determination.

The Sub-Committee considered 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 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 having accepted the applicant's explanation that it was a minor incident such as to make it appropriate to depart from the Council's usual policy on these type of convictions, it was

#### **RESOLVED**

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

Chairman

