

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION SUB-COMMITTEE held in Meeting Room 0.1B, Ground Floor, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Tuesday, 1 November 2016.

PRESENT: Councillor R Fuller – Chairman.

Councillors J W Davies, Mrs S A Giles and R J West.

36. MINUTES

The Minutes of the meeting of the Sub-Committee held on 26th September 2016 were approved as a correct record and signed by the Chairman.

37. MEMBERS INTEREST

No declarations were received.

38. 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.

39. LICENSING AND PROTECTION SUB-COMMITTEE PROCEDURE

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

40. CONVICTIONS GUIDANCE

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

41. 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 MHS who did not meet the Council's published criteria to hold such a licence owing to a previous caution. Further he failed to properly complete his application for a Disclosure and Barring Service (DBS) check in that he stated that he did not have any convictions cautions etc.

A copy of the results of the applicant's DBS check and his application were provided to Members of the Sub-Committee, together with three character references in support of his application. The options which were available to the Sub-Committee were (i) to allow the application

to proceed or (ii) refuse the application.

The applicant was then given the opportunity to address the Sub-Committee and in doing so took the opportunity to explain why he had stated that he did not have any convictions, cautions etc on his DBS application. Following, a number of questions from Sub-Committee Members regarding the circumstances surrounding his caution, Mr MHS left the meeting.

Following careful consideration of the application, the information within the committee report and the submissions made by the applicant, the Sub-Committee also took into account the Council's guidelines relating to the relevance and treatment of convictions and the legislative provisions.

Whereupon and having accepted the applicant's open and honest explanation for failing to declare his previous conviction and having taken into consideration paragraph 18 of the Council's Convictions guidance together with the relevance of the caution received by the applicant, it was

RESOLVED

that the application for a Hackney Carriage and Private Hire drivers licence be allowed to proceed.

42. NEW APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE

Consideration was given to a report by the Head of Community (a copy of which is appended in the Annex to the Minute Book) containing details of an application for a Hackney Carriage and Private Hire driver's licence from Mr AN who did not meet the Council's published criteria to hold such a licence owing to matters contained within his Disclosure and Barring Service (DBS) check. A copy of the results of the DBS check was provided for the attention of Members of the Sub-Committee. The applicant had also declared two road traffic offences within his application.

The applicant was then provided with an opportunity to address the Sub-Committee and asked to respond to questions from Members of the Sub-Committee concerning the information within the DBS report and his application. The applicant then left the meeting.

Following careful consideration of the application including the submissions made by the applicant, the Council's guidelines relating to the relevance and treatment of convictions, the contents of the committee report and the legislative provisions of the Local Government (Miscellaneous Provisions) Act 1976, the Sub-Committee

RESOLVED

that the application be refused because the applicant is not a fit and proper person owing to the serious relevant nature of the investigation referred to within the applicant's DBS certificate. The Sub-Committee found that a refusal was

consistent with the provisions in Section 75 of the Council's Convictions Guidelines and that the applicant's attempt to pass the responsibility for his actions to an underage victim was unacceptable.

In reaching their decision on this matter, the Sub-Committee agreed that the applicant's proposed measures for the protection of himself and his passengers was not relevant as such measures would be difficult to enforce.

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

Chairman