

## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION SUB-COMMITTEE held in Civic Suite 0.1A, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Monday, 20 March 2017.

PRESENT: Councillors Mrs S Conboy, S J Criswell, J W Davies and R Fuller.

### **58. ELECTION OF CHAIRMAN**

In accordance with the Licensing and Protection Sub-Committee Procedure, it was

#### **RESOLVED**

that Councillor J W Davies be elected Chairman for the meeting.

**Councillor J W Davies in the Chair.**

### **59. MINUTES**

The Minutes of the meeting of the Sub-Committee held on 2 March 2017 were approved as a correct record and signed by the Chairman.

### **60. MEMBERS INTERESTS**

No declarations were received.

### **61. 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.

### **62. LICENSING AND PROTECTION SUB COMMITTEE PROCEDURE**

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

### **63. CONVICTIONS GUIDANCE**

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

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

*(The applicant was accompanied by his daughter).*

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 MY who did not meet the Council's guidance to hold such a licence owing to previous convictions, which he had declared on his application and which referred to his DBS check.

A copy of the results of the applicant's enhanced DBS check was provided to Members of the Sub-Committee. 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 accompanied by his daughter and then given the opportunity to address the Sub-Committee. In doing so, Mr MY explained the circumstances surrounding his earlier convictions and his failure to declare his offences on the application form. Following a number of questions from Sub-Committee Members, Mr MY and his daughter then left the meeting to enable the Sub-Committee to make their determination. The meeting was reconvened at 10.10am to allow the daughter to clarify the circumstances of the convictions and Mr MY and his daughter then left the meeting to allow the Members to make their determination.

Following careful consideration of the application, the information within the committee report and the DBS check together with the submissions made by the applicant and his daughter, the Sub-Committee also took into account the Council's guidelines relating to the relevance and treatment of convictions and the legislative and policy provisions. Whereupon it was

**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 and frequency of the same offence occurring within a short period of time in 2006 and concerns that his actions indicated of a disregard for legislation and regulation when wanting to operate within a regulated industry.

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

**65. 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 MY who did not meet the Council's guidance to hold such a licence owing to previous convictions, which he declared on his application.

A copy of the results of the applicant's enhanced DBS check was provided to Members of the Sub-Committee, together with the DVLA portal check and two character references in support of the 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 referred to the circumstances of the convictions that had occurred in 2009 and provided further details of his personal circumstances since the conviction. Following a number of questions from Sub-Committee Members, Mr MY then left the meeting to enable the Sub-Committee to make their determination.

Following careful consideration of the application, the information within the committee report and the DBS check together with 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 and policy provisions. Whereupon in view of the effect that the punishment had had on the applicant it was

**RESOLVED**

that the application be allowed to proceed.

**66. 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 NH who did not meet the Council's guidance to hold such a licence owing to previous convictions, details of which had not been declared on his application.

A copy of the results of the applicant's enhanced DBS check and DVLA portal check was provided to Members of the Sub-Committee. 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 explained the circumstances of his previous convictions, particularly the incident in 2013. Following a number of questions from Sub-Committee Members, Mr NH then left the meeting to enable the Sub-Committee to make their determination.

Following careful consideration of the application, the information within the committee report and the DBS check together with 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 and policy provisions. After being reminded of the requirement to read and comprehend the Schedule of Conditions of the Licence and relevant documentation it was

**RESOLVED**

that the application be allowed to proceed.

**67. 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 AJ who did not meet the Council's guidance to hold such a licence owing to a previous motoring conviction, which he had declared on his application.

A copy of the results of the applicant's enhanced DBS check and DVLA portal check was provided to Members of the Sub-Committee. 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 explained to Members the circumstances of the conviction in 2016. Following a number of questions from Sub-Committee Members, Mr AJ then left the meeting to enable the Sub-Committee to make their determination.

Following careful consideration of the application, the information within the committee report and the DBS check together with 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 and policy provisions. Whereupon it was

**RESOLVED**

that the application be refused on the grounds that the applicant is not a 'fit and proper' person owing to the serious and relevant nature of the offence for which he was convicted in 2016. In addition the Council's guidelines relating to the relevance and treatment of convictions state that where the offence had been committed within 12 months of receipt of the application, an application would normally be refused. The Sub-Committee had not heard anything that would enable them to depart from their guidelines.

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

Chairman