

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION SUB-COMMITTEE held in Meeting Room 0.1B, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Thursday, 15 June 2017.

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

15. ELECTION OF CHAIRMAN

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

RESOLVED

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

Councillor J W Davies in the Chair.

16. MINUTES

The Minutes of the meeting of the Sub-Committee held on 15th June 2017 were approved as a correct record and signed by the Chairman.

17. MEMBERS INTERESTS

No declarations were received.

18. 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.

19. LICENSING AND PROTECTION SUB-COMMITTEE PROCEDURE

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

20. CONVICTIONS GUIDANCE

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

21. 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 SS who did not meet the Council's guidelines to hold such a licence owing to a previous conviction. Members were advised that this was his second application as his initial application had not been countersigned by the operator. Further he had 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 applicant's enhanced DBS disclosure was provided to Members of the Sub-Committee which also included relevant information provided by Cambridgeshire Constabulary. The options which were available to the Sub Committee were (i) to allow the application to proceed or (ii) to refuse the application.

The applicant was then given the opportunity to address the Sub-Committee and was asked to respond to questions concerning the information within the DBS disclosure and his application. Mr SS 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 disclosure 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, the District Council's Schedule of Conditions of licence 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 owing to his unsatisfactory response to the comments by the Constabulary, his conviction as noted in the DBS disclosure and the fact that both the allegation and conviction relate to serious offences which the Authority classify under the Head 'Sex or Indecency Offences'.

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

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

(The Applicant was accompanied by Mr IA, a prospective employer who wished to offer his support).

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 QA who did not meet the Council's guidelines to hold such a licence owing to previous motoring offences. Further he had failed to declare these on his application or 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 applicant's enhanced DBS Certificate 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) to 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 failed to declare his previous offences. Following a number of questions from Sub-Committee Members regarding the circumstances surrounding his previous offences and his reasons for failing to declare them, Mr QA 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 and on his behalf, the Sub-Committee also took into account the Council's guidelines relating to the relevance and treatment of convictions, the Council's schedule of conditions of licence 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 owing to his convictions for driving whilst uninsured on two occasions in 2007 and 2014 and the unsatisfactory explanation as to the reasons why the 2014 conviction was not declared on the Application form. The Sub-Committee had not heard anything that would make it depart from these guidelines and policies on this occasion.

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

Chairman