

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 Thursday, 29 June 2017.

PRESENT: Councillor S J Criswell – Chairman.
Councillors J E Corley, J W Davies and R J West.

23. 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.

24. MEMBERS INTERESTS

No declarations were received.

25. 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.

26. LICENSING AND PROTECTION SUB-COMMITTEE PROCEDURE

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

27. CONVICTIONS GUIDANCE

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

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

(The Applicant was accompanied by Mr CF 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 SH 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 form.

A copy of the applicant's 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. Following a number of questions from Sub-Committee Members, Mr SH then left the meeting to enable the Sub-Committee to make their determination.

The Sub-Committee gave careful consideration of the application, the information within the committee report and the DVLA portal 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, 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 to be licensed by the Authority owing to his convictions for speeding and for using a hand held mobile phone whilst driving and his failure to declare these convictions on the application form when the form makes it very clear that motoring offences are to be declared and honesty is an essential part of inspiring public confidence in the provision of taxi services. The Sub-Committee has not heard anything that would make it depart from the Council's guidelines and policies on this occasion.

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

29. 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 AAMH who did not meet the Council's guidelines to hold such a licence owing to previous convictions. Further he had failed to declare all of his previous convictions within his application.

A copy of the applicant's enhanced DBS disclosure 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 given the opportunity to address the Sub-Committee. Following a number of questions from Sub-Committee Members, Mr AAMH then left the meeting to enable the Sub-Committee to make their determination.

The Sub-Committee gave 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 allowed to proceed.

30. 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 HS who did not meet the Council's guidelines to hold such a licence owing to a previous conviction and motoring offence. Further he had failed to declare all of these on his application form.

The applicant had been advised in writing of the meeting and that he was required to attend. It also had been explained that the Sub-Committee might take appropriate action in his absence.

The Applicant was not in attendance. The options which were available to the Sub-Committee were (i) to allow the application to proceed; (ii) to refuse the application or (iii) to defer the matter to enable the Applicant to be present. Having noted that the Applicant had been asked to advise the Licensing Manager if he was not able to attend but that no such advice had been received, the Sub-Committee decided to determine the application. Copies of the applicant's enhanced DBS disclosure and DVLA portal check were then provided to Members of the Sub-Committee.

The Sub-Committee gave 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 to be licensed by the Authority owing to his convictions for committing an act / series of acts with intent to pervert the course of justice, his failure to declare details of his offence on the application form and his failure to complete part 2 of the application form. The Sub-Committee has not heard anything that would make it depart from the Council's guidelines and policies on this occasion.

Chairman