

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION SUB-COMMITTEE held in Meeting Room 01B, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Friday, 28 July 2017.

PRESENT: Councillor S J Criswell – Chairman.

Councillors J E Corley, J W Davies and R J West.

31. MINUTES

The Minutes of the meeting of the Sub-Committee held on 29th June 2017 were approved as a correct record and signed by the Chairman.

32. MEMBERS INTERESTS

No declarations were received.

33. 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.

34. LICENSING AND PROTECTION SUB-COMMITTEE PROCEDURE

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

35. CONVICTIONS GUIDANCE

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

36. 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 AA who did not meet the Council's guidelines to hold such a licence owing to previous convictions, which he had failed to declare all of within his application. Further Mr AA had previously had an application refused by Peterborough City Council.

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 AA 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.

Having considered the nature of the offences committed, the length of time since they took place and the age of the applicant when they were committed, together with details of the applicant's acts of service within the community it was

RESOLVED

that the Sub-Committee felt it could deviate from its Convictions Policy on this occasion and the application be allowed to proceed.

37. 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 MA who did not meet the Council's guidelines to hold such a licence owing to previous convictions, which he had failed to declare on his application form. Further Mr MA had declared that he had been working as a driver since 11 June 2017.

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 MA 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 refused because the applicant is not a fit and proper person to be licensed by the Authority owing to

a conviction in 2008 which contravenes the Council's guidelines. The Sub-Committee has not heard anything that would cause them to depart from the Council's guidelines and policies on this occasion. In addition the Committee felt that it is the responsibility of the Applicant, if a fit and proper person to ensure the application is complete and accurate before signing it.

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

38. 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 POF who did not meet the Council's guidelines to hold such a licence owing to previous convictions, which he had failed to declare on his application form.

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 POF 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 refused because the applicant is not a fit and proper person to be licensed by the Authority owing to three convictions from 2008 which contravene the Council's guidelines. The Sub-Committee has not heard anything that would cause them to depart from the Council's guidelines and policies on this occasion. In addition the Sub-Committee felt that a conviction of intent to supply a Class C Drug was not compatible with being a fit and proper person even though a considerable amount of time had elapsed. The Applicant failed to disclose previous convictions on the Application form in a manner that could mislead the Sub-Committee.

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

39. REVIEW OF AN EXISTING JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE

The Committee were advised that as the driver was unable to attend, this Agenda item had been deferred to the Sub-Committee's next meeting.

Chairman