

## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION SUB-COMMITTEE held in MR0.1A, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN on Monday, 29 January 2018.

PRESENT: Councillor S J Criswell – Chairman.

Councillors J E Corley, J W Davies and Mrs A Dickinson.

### **84. MINUTES**

The Minutes of the Sub-Committee held on 18th January 2018 were approved as a correct record and signed by the Chairman.

### **85. MEMBERS INTERESTS**

No declarations were received.

### **86. 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.

### **87. LICENSING AND PROTECTION SUB-COMMITTEE PROCEDURE**

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

### **88. CONVICTIONS GUIDANCE**

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

### **89. CURRENT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER 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 the case of Mr MI. Mr MI was an existing Hackney Carriage and Private Hire driver who had failed to provide details of a motoring conviction received during the period of the current licence and which had come to light upon his application to renew.

A copy of the applicant's DVLA portal check was provided to the Sub-Committee. Members were then advised of the options which were available to them, to either allow the renewal application to proceed or to refuse the application.

The applicant was then given the opportunity to address the Sub-Committee. Following a number of questions from the Sub-Committee surrounding the conviction, the applicant then left the meeting to enable the Sub-Committee to make their determination.

The Sub-Committee clarified with the Licensing Officer present that section 3.7 of the report should read MS60. The Sub-Committee gave careful consideration to the application, the information within the Sub-Committee report and the DVLA portal check, together with the submission 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 to renew the licence be refused because the applicant is not a fit and proper person to be licensed by the Authority owing to the severity of the offence, the failure of the applicant to declare the offence within the prescribed seven days and the applicant's failure to provide all information when applying for a renewal. Under Huntingdonshire District Council's Policy, the conviction was considered a major traffic offence committed within the last 12 months and as such merits refusal. The Sub-Committee had not heard anything that would cause them to 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.

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

*(The Applicant was accompanied by Mr HK 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 AS who did not meet the Council's guidelines to hold such a licence owing to previous convictions and a motoring offence. Further he had failed to declare all of his previous convictions and the motoring offence within his application.

A copy of the applicant's DBS disclosure and DVLA portal check was provided to Members of the Sub-Committee. The Sub-Committee were advised of the options which were available to them, to either allow the application to proceed or to refuse the application.

The applicant and his companion were invited to address the Sub-Committee. Mr AS also provided a letter from a Peterborough City Councillor in support of his application. Following a number of questions from Sub-Committee Members, Mr AS and Mr HK left the meeting to enable to Sub-Committee to make their determination.

The Sub-Committee gave careful consideration of the application, the information within the committee report, the DBS disclosure, the DVLA portal check together with the submissions made by the applicant, his companion and the letter provided. 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 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 serious nature of the offences in 2009 and the applicant's failure to declare all previous offences. The Sub-Committee had not heard anything that would cause them to 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.

**91. 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 PA who did not meet the Council's guidelines to hold such a licence owing to a previous conviction and statement of additional information placed on his DBS by Cambridgeshire Constabulary. Further, Mr PA had previously had a licence revoked by Peterborough City Council and an application refused by Huntingdonshire District Council. Mr PA had failed to declare all of the above within his application.

A copy of the applicant's enhanced DBS disclosure was provided to Members of the Sub-Committee. Members were then advised of the options which were available to them, to either allow the application to proceed or to refuse the application.

The applicant was then given the opportunity to address the Sub-Committee. Following a number of questions from the Sub-Committee surrounding his conviction and circumstances surrounding his previous licence with Peterborough City Council, the applicant then left the meeting to enable the Sub-Committee to make their determination.

The Sub-Committee gave careful consideration to the application, the information within the Sub-Committee report and the DBS check, together with the submission 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 the serious nature of the conviction for the sexual offence in 2003, the applicant's failure to declare the offence and the applicant's previous Hackney Licence history. The Sub-Committee had not heard anything that would cause them to 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.

**92. NEW APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS 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 for a Hackney Carriage and Private Hire driver's licence from Mr MRK who did not meet the Council's published criteria to hold such a licence owing to his previous motoring conviction, which he failed to declare on his application form.

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 application had been made on 20th July 2017 and had already been deferred from a hearing on 16th October 2017 which the applicant also failed to attend, the Sub-Committee decided to determine the application. A copy of the applicant's DVLA portal check was 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 DVLA portal check. 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 failure to declare his motoring conviction on his application. The Sub-Committee has not heard anything that would make it depart from the Council's guidelines and policies on this occasion.

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

