

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION SUB-COMMITTEE held in Meeting Room 0.1A, Ground Floor, Pathfinder House, Huntingdon PE29 3TN on Wednesday, 4 April 2018.

PRESENT: Councillor S J Criswell – Chairman.

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

121. MINUTES

The Minutes of the meeting of the Sub-Committee held on 14th March 2018 were approved as a correct record and signed by the Chairman.

122. MEMBERS INTERESTS

No declarations were received.

123. 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.

124. LICENSING AND PROTECTION SUB-COMMITTEE PROCEDURE

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

125. CONVICTIONS GUIDANCE

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

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

(The Driver was accompanied by his prospective employer Ms JT, who wished to offer her 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 for a Hackney Carriage and Private Hire Licence from Mr OG who has an undeclared conviction.

Copies of the applicant's check undertaken by the Disclosure and Barring Service (DBS) were provided to the Sub-Committee and Members were advised of the options available to them in respect of the application.

Mr OG was then permitted to address the Sub-Committee and in doing so took the opportunity to explain why he had failed to declare his previous conviction. A reference from the applicant's prospective employer was also provided for the attention of Sub-Committee members. Following a number of questions from the Sub-Committee Mr OG then left the meeting to enable Members to make their determination.

The Sub-Committee gave careful consideration to the application, the information within the committee report, the DBS portal check together with the submission made by the applicant. The Sub-Committee also took into account the District 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 having accepted the explanation provided, it was

RESOLVED

that the licence be granted.

127. CURRENT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE

(The driver was accompanied by Mr MH, his 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 the case of Mr KA. Mr KA was an existing Hackney Carriage and Private Hire driver who had not provided an up to date Disclosure & Barring Service (DBS) criminal background check and his fitness to continue to hold a licence could not be confirmed.

The driver and Mr MH were then given the opportunity to address the Sub-Committee and in doing so took the opportunity to explain the circumstances surrounding this matter. It was reported that a new DBS has been applied for but not yet received. Whereupon, it was

RESOLVED

that the licence be suspended until 9th May 2018 or until such earlier time that a satisfactory DBS has been provided.

128. RENEWAL APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER 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 Licence from Mr SA who has previous motoring convictions. Mr SA had initially failed to previously disclose these convictions to the Authority.

A copy of the applicant's check undertaken by the Driver and Vehicle

Licensing Agency (DVLA) was provided to the Sub-Committee and Members were advised of the options available to them in respect of the application.

Mr SA was then permitted to address the Sub-Committee and in doing so took the opportunity to explain the circumstances surrounding both the renewal application and his failure to report the offence which occurred during the period of his current licence. Following a number of questions from Sub-Committee Members Mr SA 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 committee report, the DVLA portal check together with the submission made by the applicant. The Sub-Committee also took into account the District 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 licence be refused because the applicant is not a fit and proper person to be licensed by the Authority owing to the number type and frequency of his convictions which are such that paragraph 56 of the District Council's guidelines state that applicants will normally be expected to show a period free of convictions of at least twelve months. The Applicant had also failed to inform the Authority of his conviction in July 2017 in breach of Condition 11 of the District Council's Schedule of Conditions.

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

129. NEW APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER 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 Licence from Mr GK who has undeclared convictions.

Copies of the applicant's checks undertaken by the Disclosure and Barring Service (DBS) were provided to the Sub-Committee and Members were advised of the options available to them in respect of the application.

Mr GK was then permitted to address the Sub-Committee and in doing so took the opportunity to explain the circumstances surrounding the offences and his failure to declare them on his application. Following a number of questions from Sub-Committee Members, Mr GK 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 committee report, the DBS and DVLA portal

checks together with the submission made by the applicant. The Sub-Committee also took into account the District 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 owing to the fact that the applicant had no convictions during the last eleven years and that the Sub-Committee accepted that Mr GK did not fully appreciate the need to disclose all convictions, however long ago they were committed, it was

RESOLVED

that the licence be granted.

Chairman