

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION SUB-COMMITTEE held in Civic Suite 0.1B, Pathfinder House, Huntingdon PE29 3TN on Wednesday, 10 October 2018.

PRESENT: Councillor S J Criswell – Chairman.

Councillors J R Clarke, Mrs P A Jordan and D J Mead.

34. MINUTES

The Minutes of the meeting held on 12th September 2018 were approved as a correct record and signed by the Chairman.

35. MEMBERS INTERESTS

Councillors S Criswell, P A Jordan and D J Mead declared non-statutory disclosable interests in Minute No.42 by virtue of the fact that the applicant was known to them.

In accordance with the Licensing and Protection Sub-Committee procedure given that the applicant in Minute No.42 was a resident in his ward, Councillor J Clarke did not take part in the consideration of this application.

36. 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.

37. LICENSING AND PROTECTION SUB-COMMITTEE PROCEDURE

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

38. CONVICTIONS GUIDANCE

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

39. RENEWAL 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 a renewal application for a Hackney Carriage and Private Hire Licence from LS who had declared two previous convictions on her application. The latter of which had occurred

during the period of her current licence and did not appear to have been notified to the Authority within 7 days of receipt.

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

Mrs LS was then permitted to address the Sub-Committee and respond to questions from Members. In doing so, she provided several character references on her behalf and the text from an email which she claimed to have sent to the Authority notifying them of her conviction. Clarification was also provided on the circumstances surrounding her convictions and the operation of the Disclosure and Barring Service (DBS) online update service which may not have been automatically updated. Following which 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 committee report, the contents of the DBS and DVLA checks together with the submission made by the applicant and in the references submitted on her behalf. 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, the legislative and policy provisions, statutory guidance and advice from their legal representative.

Whereupon, it was

RESOLVED

that the application be refused owing to the applicant's conviction for theft from Cambridge Crown Court which had resulted in a suspended sentence and a requirement to undertake unpaid work. The Sub-Committee were also aware that the applicant had an earlier conviction for fraud. Albeit many years apart as the two convictions were for offences of dishonesty, the Sub-Committee were of the view that the applicant was not a fit and proper person.

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

40. 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 a application for a Hackney Carriage and Private Hire Driver's Licence from KS who had a previous caution which he had failed to declare on his application form.

Copies of the applicant's checks undertaken by the Disclosure and Barring Service (DBS) and the Driver and Vehicle Licensing Agency (DVLA) were provided to the Sub-Committee and Members were

advised of the options available to them in respect of this application.

Mr KS 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 caution on the application. Following questions from Members as to the circumstances surrounding his caution, he 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 contents of the DBS and DVLA 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, the legislative and policy provisions, statutory guidance and advice from their legal representative.

Whereupon and having heard the applicant's explanation that he had forgotten about the caution when completing the application form, it was

RESOLVED

that the application for a Hackney Carriage and Private Hire Drivers Licence be granted.

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

(The applicant was accompanied by Mr AA in his role as a supporter and prospective employer).

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 HS who had declared previous convictions on his application form.

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

Mr HS and Mr AA were then permitted to address the Sub-Committee and in doing so provided character references and a written statement on the applicant's behalf. Following a number of questions from Members of the Sub-Committee concerning the applicant's character, his leave to remain in the UK and the circumstances surrounding his previous offences, Mr HS and Mr AA 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 contents of the DBS and DVLA checks together with the submission made by the applicant and on his behalf. 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,

the legislative and policy provisions, statutory guidance and advice from their legal representative.

Whereupon owing to the fact that the applicant had made full disclosure of his previous convictions, his last conviction was in 2011, the Sub-Committee were satisfied that a significant period of time had elapsed since the period of offending and that they accepted the applicant's assurances that he was a changed character it was

RESOLVED

that the application for a Hackney Carriage and Private Hire Drivers Licence be granted.

Councillor J Clarke left the meeting at the end of this item as the next applicant was a resident in his ward.

42. RENEWAL 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 a renewal application for a Hackney Carriage and Private Hire Driver's Licence from PR who had 9 penalty points on his driving licence.

The applicant was also a Private Hire Operator licensed by the District Council.

A copy of the applicant's checks 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 and the applicant's current Private Hire Operator's Licence.

Mr PR were then permitted to address the Sub-Committee and in doing so outlined the reasons why he considered himself to be a fit and proper person to hold a licence, provided assurances that he now understood the requirements to declare any convictions in accordance with the Council's requirements and outlined the mitigation measures that he now had in place to prevent any re-occurrence of his motoring offences.

Following a number of questions from Members of the Sub-Committee, the applicant 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 contents of the DVLA 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, the legislative and policy provisions, statutory guidance and advice from their legal representative.

Whereupon having heard the applicant's explanation that he realised

the serious nature of the offences and he had put mitigating measures in place, it was

RESOLVED

- (i) that the application to renew a Hackney Carriage and Private Hire Licence be granted.
- (ii) that there be no action taken in respect of his Private Hire Operator's Licence.

Chairman