

## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION SUB-COMMITTEE held in CIVIC SUITE 0.1B, PATHFINDER HOUSE. ST MARY'S STREET, HUNTINGDON PE29 3TN on Wednesday, 3 July 2019.

PRESENT: Councillor J R Clarke – Chairman (except item 18).

Councillors Mrs A Dickinson, Mrs P A Jordan and R J West.

### **10. MINUTES**

The Minutes of the meeting of the Sub-Committee held on 12th June 2019 were approved as a correct record and signed by the Chairman.

### **11. MEMBERS INTERESTS**

Councillor J Clarke declared an interest in Minute No. 18 by virtue of the fact that the applicant was a resident in the ward which he represents and left the meeting during the discussion and deliberation on this item.

### **12. 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.

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

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

### **14. CONVICTIONS GUIDANCE**

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

### **15. REVIEW OF 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 the case of Mr MNE which had been referred to the Licensing and Protection Sub-Committee for consideration.

Copies of the checks undertaken by the Disclosure and Barring Service (DBS) in both February 2019 and in 2017 were provided to the Sub-Committee and Members were advised of the options

available to them in respect of this case.

Mr MNE was then permitted to address the Sub-Committee and in doing so took the opportunity to explain the circumstances surrounding his recent convictions, his reasons for failing to declare a previous conviction on an earlier application and the reasons why he considered that he was a Fit and Proper person to continue to hold a Hackney Carriage and Private Hire Driver's Licence. In support of his situation, Mr MNE provided the Sub-Committee with a reference dated 20.6.2019 from his Probation Officer. Clarification was also provided as to the previous policy considerations had an conviction appeared on an earlier DBS. Having responded to a number of questions from Members and Officers, Mr MNE then left the meeting to enable Members to make their determination.

The Sub-Committee gave careful consideration to the case, the information within the committee report, the contents of the DBS 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 taken into account the strength of the probation report and the suggestion within the report that there was low risk of serious harm to members of the public and staff, it was

RESOLVED

that the Licence be suspended for a period of 28 days from 3rd July to 1st August 2019.

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

*(The Applicant was accompanied by her employer Ms JR who was attending in a supporting capacity).*

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 Ms CMC whose application had been referred to the Licensing and Protection Sub-Committee for consideration.

Copies of the applicant's checks undertaken by 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.

Miss CMC was then permitted to address the Sub-Committee and in doing so took the opportunity to explain the circumstances surrounding her motoring offence and for failing to declare this on her application. Following questions from Members and a verbal reference from her current employer, Ms CMC 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 and 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 having agreed that it was a general oversight in failing to reinsure the vehicle and taking into account the actions of the Police Officer at the time of the incident, it was

RESOLVED

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

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

*(The applicant was accompanied by his wife Ms TA in a supporting capacity who also addressed the Sub-Committee).*

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 IM whose application had been referred to the Licensing and Protection Sub-Committee for consideration.

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 IM was then permitted to address the Sub-Committee and in doing so he and his wife took the opportunity to explain the circumstances surrounding his previous convictions, together with the reasons he felt he should be granted a Hackney Carriage and Private Hire Drivers Licence. Members noted that he had now been granted a visa. Following a number of questions from Members including his right to work status and the visa application process, clarification was sought on some of the details within Section 2.6 of the report. Mr IM and Mrs TS 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 having noted that in January 2018 the applicant was granted permission to remain in the UK thereby giving him eligibility to

work bringing to an end the uncertainty brought on by his earlier status and having regard to paragraph 1.4 of the Licensing Policy – Relevance and Treatment of Convictions which recognises that a change in circumstances may well result in a change from the previous behaviour, it was

RESOLVED

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

**Councillor R J West in the Chair.**

**18. REVIEW OF A HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE / REVIEW OF A PRIVATE HIRE OPERATOR 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 the case of Mr CJ which had been referred to the Licensing and Protection Sub-Committee for consideration. Mr CJ held a Hackney Carriage and Private Hire Driver Licence and a Private Hire Operator Licence with the Authority.

Copies of the checks undertaken by the Driver Vehicle and Licensing Agency (DVLA) were provided to the Sub-Committee and Members were advised of the options available to them in respect of this case.

Mr CJ was then permitted to address the Sub-Committee and in doing so took the opportunity to explain the circumstances surrounding his recent motoring offence and for failing to notify the Authority as required in the conditions for both driver and operator licence holders. Having responded to a number of questions from Members and Officers regarding the details of his motoring accident, together with the reasons as to why he felt he was a Fit and Proper Person to continue to hold a licence, the Sub-Committee were advised that their decision would have a subsequent effect on his renewal applications. Mr CJ then left the meeting to enable Members to make their determination.

The Sub-Committee gave careful consideration to the case, the information within the committee report, the contents of the 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.

Having noted that there were no reports of any complaints against Mr CJ either as a driver or an operator and it was a single offence, the Sub-Committee also accepted his explanation that he did not realise that he was required to notify the authority. Members did however have regard to the fact that he had declared it on his application for renewal. Whereupon, it was

RESOLVED

- (i) that there be no action taken in respect of the Hackney Carriage and Private Hire Licence; and
- (ii) that there be no action taken in respect of the Private Hire Operator's Licence.

Chairman