

Minutes of the Meeting of the Licensing Sub-Committee held on 15 August 2018 at 7.00 pm

Present: Councillors Ben Maney (Chair), Qaisar Abbas and Leslie Gamester

In attendance: Paula Parrot, Licensing Officer
Laura Manning, Licensing Officer
Simon Scrowther, Legal Representative
Kallum Davies, Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

6. Items of Urgent Business

There were no items of urgent business

7. Declarations of Interests

There were no declarations of interest.

8. New Application for Private Hire Driver Licence

At 7.11pm the Chair moved that due to the nature of the agenda item, members of the public and press be excluded from the meeting. This was carried unanimously.

The Chair asked the Licensing Officer, Paula Parrott to present the Factual Report. The Officer stated that the Applicant had previously held a licence in Thurrock however this had expired and was not renewed at the time; this was therefore being treated as a new application. The Officer stated that the DBS check had found no criminal record for the seventeen years in which the Applicant had resided in the United Kingdom, although the applicant had failed to declare on his form that he had previously lived in a foreign country. Applicants are required to provide a Certificate of Good Conduct from the country in which they resided, however it was noted that the British Home Office Website states there is no diplomatic channel through which such a certificate could be obtained from the Applicants country of origin. This therefore placed the Applicant outside the Council's Statement of Policy and Guidelines.

The Chair thanked the Officer for the report and asked if the Applicant had any questions of the Licensing Officers. The Applicant indicated he had none.

The Chair asked Members if they had any questions for the Licensing Officers. The Members indicated that they had none. The Chair asked the

Officers if the Home Office list which detailed all the countries which provided Certificates of Good Conduct had been provided to the Applicant. The Officer stated that a link to the Home Office Website was provided to applicants.

The Chair then invited the Applicant to present his case to the Committee. The Applicant stated that he had previously held a licence in Thurrock and had at no time been complained about, investigated or otherwise reprimanded by Thurrock as the Licensing Authority, or any of his passengers. The Applicant further stated that his DBS check confirmed he had not had any encounters with the Police, nor been in trouble during the seventeen years he has resided in the UK.

The Applicant went on to explain that despite the Home Office Guidance stating there was no means of obtaining a Certificate of Good Conduct from his country of origin, he had attended the Embassy in London to request such a document, or a document to state that they do not provide this service. The Embassy informed the Applicant that they did not provide this service to members of the public however would respond to any government request for criminal records check. They did suggest he attend the Kurdish Regional Embassy to see if they could help. The Applicant stated he attended the Kurdish Regional Embassy but was informed that they are not an Embassy in the proper sense of the word, rather an autonomous region of Iraq, and therefore were unable to provide this service. This concluded the Applicants representations.

The Chair asked if Officers had any questions of the Applicant. The Officers indicated that they did not.

The Chair asked if Members had any questions of the Applicant. Councillor Gamester asked if the Applicant had left the UK at any time since moving here. The Applicant stated he had left the UK on holiday to Turkey for two weeks.

Councillor Abbas asked why the Applicant had not declared on his form that he had previously resided in another country. The Applicant stated that he mistakenly believed that the question meant "had he lived outside the UK for more than four weeks since moving to the UK", and did not realise that his country of birth counted. The Chair asked the Applicant when he had attended the Embassy. The Applicant stated he was not sure of the exact date but it was within the last two months.

The Chair stated that the guidance document is not clearly worded as Embassies do usually offer criminal record checks for their respective nationals, but that perhaps they were not clear that a "Certificate of Good Conduct" was the same thing. The Chair further stated that from looking on the Embassy's website, under the heading of "Consular Services", it was clearly stated that the Embassy did in fact offer this service upon request. The Applicant stated that he was told by the Embassy that they do offer the service, but only upon receiving the request via the UK Government and not members of the public.

The Chair asked the Applicant if he had dual nationality. The Applicant stated that he did not; he had only a UK passport and had renounced the citizenship of his country of birth.

The Applicant stated that following the fall of the regime under which he had been born, many of the public records had been lost or damaged. The Applicant believed this to be why the Embassy accepts the request via Government only. The Applicant added that he was happy to give his consent for Thurrock Council to contact the Embassy and make such a request.

Councillor Abbas asked the Applicant if he had been in continuous employment since moving to the UK. The Applicant stated that he had been out of work since he had an accident in 2007, and had been having physiotherapy, adding that he was now well enough to return to work.

Councillor Gamester asked the Licensing Officers if the Applicant had provided a Certificate of Good Conduct the first time he had applied for a licence. The Officer stated that this would not have been a requirement at the time so he did not need to. The Officer further stated that due to Data Retention Policies the records from the time of the previous application had been destroyed.

Councillor Maney asked Officers if the term "Certificate of Good Conduct" was a Thurrock Council term, or was it an industry standard phrase. The Officer stated that this term was used across the board in the UK, and that such documents when received from foreign governments were titled as this.

The Chair asked Officers to summarise their report. The Officer stated that as the Applicant had been unable to obtain a Certificate of Good Conduct he remained outside the Statement of Policy and Guidelines.

The Chair thanked Officers and asked the Applicant to summarise his case. The Applicant stated that he had previously held a license in Thurrock, and had never been in trouble in respect of it, and that he had a clear DBS check for the seventeen years in which he resided in the UK. He further added that he had made efforts to obtain the requested document despite being unsuccessful.

The Chair thanked the Applicant and asked if he had arrived in the UK via a passport of his country of birth. The Applicant stated that he had been an Asylum Seeker.

The Sub-Committee adjourned at 7.36pm for deliberation and were accompanied by the Legal Advisor and the Democratic Services Officer.

The meeting reconvened at 8.01pm.

RESOLVED:

That the Licensing Sub-Committee approved the application by a 2-1 majority.

At 8.06pm the Applicant left the Chamber.

The meeting finished at 8.10 pm

Approved as a true and correct record

CHAIR

DATE

**Any queries regarding these Minutes, please contact
Democratic Services at Direct.Democracy@thurrock.gov.uk**