

A meeting of the **LICENSING AND PROTECTION COMMITTEE** will be held as a **REMOTE MEETING VIA ZOOM** on **WEDNESDAY, 9 DECEMBER 2020** at **2:00 PM** and you are requested to attend for the transaction of the following business:-

AGENDA

APOLOGIES

1. MINUTES (Pages 3 - 6)

To approve as a correct record the Minutes of the meeting of the Licensing and Protection Committee held on 30th September 2020.

Contact Officer: Democratic Services - (01223) 752547

2. MEMBERS INTERESTS

To receive from Members declarations as to disclosable pecuniary and other interests in relation to any Agenda item.

3. MONITORING REPORT ON THE DELIVERY OF THE FOOD LAW ENFORCEMENT AND HEALTH AND SAFETY SERVICE PLANS (Pages 7 - 18)

To receive the monitoring report on the delivery of the Food Law Enforcement and Health and Safety Service Plan for the period 1st July to 30th September 2020.

Contact Officer: M Bebbington - (01480) 387075

4. SUSPENSION AND REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES (Pages 19 - 24)

To consider a report summarising the actions which have taken place since the last meeting of the Licensing and Protection Committee.

Contact Officer: Licensing - (01480) 387075

1st day of December 2020



Head of Paid Service

Disclosable Pecuniary Interests and Non-Statutory Disclosable Interests

Further information on [Disclosable Pecuniary Interests and Non - Statutory Disclosable Interests](#) is available in the Council's Constitution

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Please contact Democratic Services, Tel: 01223 752547 / email: Democratic.Services@huntingdonshire.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee/Panel.

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the [District Council's website](#), together with a link to the Broadcast of the meeting.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION COMMITTEE held as a REMOTE MEETING via Zoom on Wednesday, 30 September 2020.

PRESENT: Councillor S J Criswell – Chairman.

Councillors B S Banks, Ms A Diaz, Mrs A Dickinson, Mrs S A Giles, L W McGuire, K I Prentice, Mrs P E Shrapnel and R J West.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors Mrs P A Jordan and D J Mead.

10 MINUTES

Subject to the inclusion of Councillor L W McGuire in the list of those present, the Minutes of the meeting held on 24th June 2020 were approved as a correct record and signed by the Chairman.

11 MEMBERS INTERESTS

No declarations were received.

12 MONITORING REPORT ON THE DELIVERY OF THE FOOD LAW ENFORCEMENT AND HEALTH AND SAFETY SERVICE PLANS

With the assistance of a report by the Acting Operational Manager (Business) (a copy of which is appended in the Minute Book) the Committee received an update on progress made against the delivery of work on the Council's Food Law Enforcement and Health and Safety Plans during the period 1st April to 30th June 2020.

In turning to the specific information within the appendices, Members were advised that performance in a significant number of areas had been affected by the current Covid:19 outbreak which had resulted in the closure of the hospitality sector and the decision by the Food Standards Agency to suspend all planned food safety inspections on the 20th March 2020. Those inspections which had taken place had been undertaken as part of a programme of remote 'virtual' inspections – 4 of which had targeted high risk premises and 81 new food businesses. Following the re-opening of the hospitality sector in late June / early July, physical inspections to high-risk premises had now recommenced although the Food Standards Agency were now reviewing the inspection process in the light of the rising number of Covid:19 cases being reported nationally.

In response to a question as to whether the Authority conducts checks on business compliance with Covid-19 safety requirements, the Committee were informed that as part of a review of the inspection regime, officers will now be checking whether premises are broadly Covid compliant.

Whereupon it was

RESOLVED

that progress on the delivery of the two Service Plans for the period 1st April to 30th June 2020 be noted.

13 PUBLIC SPACES PROTECTION ORDER - DOG CONTROL

The Committee considered a report by the Operational Manager (People) (a copy of which is appended in the Minute Book) detailing the outcome of the public consultation exercise on proposals to renew a Public Spaces Protection Order (PSPO) for the control of dogs for Huntingdonshire.

The Committee were reminded that the previous Dog Control Orders in force within the District had been converted into a single Public Spaces Protection Order (PSPO) for Huntingdonshire in 2017. This was due to expire in October 2020 and authorisation was now being sought to extend the Order for a further three years.

Members were advised that the current PSPO had been a valuable enforcement and prevention tool and that the number of complaints relating to dog control had fallen significantly since it came into force. The Committee were informed that it had not proven necessary to adjust any of the provisions of the current order during its lifetime and it was not intended to change any of the conditions or areas where the Order was to be in force.

In order to implement a PSPO, the Committee were informed that the Council was required to carry out a consultation exercise with both statutory consultees and members of the public. This has been undertaken during the summer period and extended to enable a further opportunity for individuals to make comments. The consultation exercise had indicated strong support for retaining the controls retained within the existing order.

The Committee's attention was then drawn to Appendix 2 to the report which set out the detailed responses to the consultation exercise. A summary of the findings from each response was also provided by the Operational Manager (Business).

In reviewing the responses from the consultation, clarification was sought as to why (with the exception of the designated locations) the requirement to keep dogs on leads at all times only applied to road carriageways and verges with speed limits of 40mph or less. The Committee were advised that this was a condition which had been carried forward from the previous dog control orders and was intended to reflect the fact that roads designated with this speed limit tended to be located in the more urban parts of the District where traffic flow was much busier.

Questions were also asked with regards to the number of problems with stray dogs and 'dog attacks' referred to within the consultation responses. In response the Committee were advised that the majority of the latter related to situations involving two dogs and the District Council dealt with very few incidents of dogs

attacking members of the public. Members were please to note that issues relating to stray dogs were decreasing in numbers and that the District Council had a contract with Wood Green Animal shelter to assist with the rehoming of dogs that they were not able to reunite with their owners.

Whereupon and having noted that the new PSPO would need to be publicised for a period of 20 days before it comes into effect on 20th October 2020, it was

RESOLVED

- (a) that a new Public Spaces Protection Order (PSPO) covering the control of dogs as outlined in Appendix 1 to the report submitted be approved; and
- (b) that the Chief Operating Officer in consultation with the relevant Executive Councillor be authorised to make minor amendments to the conditions and scope of the PSPO as required.

(At 14.16pm, Councillor S Giles joined the meeting, during the discussion on this item).

14 SUSPENSION AND REVOCATION OF PRIVATE HIRE AND HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES

With the aid of a report by the Licensing Team (a copy of which is appended in the Minute Book) the Committee noted the details of actions which had been taken since the last meeting of the Committee under delegated authority.

Members were advised that despite the difficulties arising from the Covid-19 Pandemic, the Licensing Team had continued to offer a service to the licensing trade and members of the public. In contrast, it was reported that a number of authorities had stopped processing new driver and vehicle applications, whilst there had also been some who had not been in a position to deal with taxi matters at all during the period.

Members were advised that in response to previous comments, the report had been re-formatted and attention was drawn to the outstanding matters at Section 3. The Committee were informed that there were a number of appeals pending and these were primarily the result of the impact of Covid-19 on the Court system, which had resulted in delays to appeal hearings. However, it was reported that dates for the majority of the cases outstanding had now been confirmed, such that it was hope that the matters outstanding would be reduced during the next reporting period.

Arising from the report and with reference to the appeals which were pending, Members referred to the introduction of the new licensing policy and the change in the delegations which had been granted to officers. The Committee were reminded that routine matters which sat within the policy guidelines would now be taken by officers, although the Chairman and Vice-Chairman continued to be consulted on significant matters requiring an immediate revocation. Members welcomed the immediate rejection of those applications where incorrect information had been included within the application forms.

In response to a question concerning the vetting process for Hackney Carriage and Private Hire vehicle applications, the Committee were reminded that all applicants who wished to apply for a new licence or renew an existing one were required to make certain declarations upon their application form. All applications were subsequently checked and confirmed with the Driver and Vehicle Licensing Agency and the Criminal Records Bureau. The safety of the public remained a primary concern in any decision to grant or renew an application and the Licensing and Protection Sub-Committee continued to take a dim view of any cases of non-declaration.

Whereupon it was

RESOLVED

that the contents of the report be received and noted.

Chairman

Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter:	Monitoring Report on the Delivery of the Food Law Enforcement and Health and Safety Service Plans
Meeting/Date:	Licensing and Protection Committee – 9 th December 2020
Executive Portfolio:	Executive Councillor for Leisure and Regulatory Services – Cllr K Prentice
Report by:	Acting Operational Manager (Business) – Myles Bebbington
Ward(s) affected:	All.

Executive Summary:

The Food Law Enforcement Service Plan and Health and Safety Service Plan 2019-20 were approved by Committee on 11th March 2020.

This monitoring report covers the Q2 figures from 1 July 2020 to 30 September 2020. In general terms the monitoring report accounts for work undertaken by the Business Team within the defined period and compares this to the service plan to ensure that the service is on target to deliver the programmed work.

Programmed work is delivered alongside reactive work, the volume of which by definition is impossible to predict, particularly this year with Covid 19. This work is carried out according to risk. Complaints and accident investigations are prioritised using risk-based selection criteria, and the volume of work is reported here to attempt to identify any emerging risks in terms of resource provision.

The period July to September has been, once again, totally dominated by the current Covid 19 outbreak, whilst businesses and hospitality sectors have re-opened inspections have taken longer than normal due to the need for officers to be Covid compliant and extra checks to ensure businesses are Covid compliant which has doubled the time to undertake a normal inspection. In addition due to members of the team shielding, we have only been able to allocate one part time officer for inspections, however this matter is now resolved with 2 new Full time officers being recruited in Q.3

Appendices 2 and 3 contain detailed information about the delivery of the Food Law Enforcement Service Plan. Appendix 4 contains detailed information about the delivery of the Health and Safety Service Plan.

Government authorised the food safety inspections to start in July and a plan of action has been developed to address the backlog, however whilst higher risk food premises will be the priority, it is unlikely we will be able to meet the target set for the year 2020/21

Recommendation:

Note progress and provide any comments considered appropriate, on the delivery of the two Service Plans for the period 1 July to 30 September 2020.

1. PURPOSE OF THE REPORT

- 1.1. The report provides information about the delivery of the two Service Plans for the cumulative figures for the year between 1 July 2020 and 30 September 2020.

2. WHY IS THIS REPORT NECESSARY?

- 2.1 Members have asked to be kept informed about the delivery of the work in the approved plans.

3. DESCRIPTION OF THE SERVICES COVERED BY THE REPORT

- 3.1 Food Law Enforcement consists of the following areas of work:

- Planned activities such as routine inspections of food businesses, food and environmental sampling and the provision of food hygiene training courses;
- Unplanned (reactive) work such as the investigation of customer complaints, dealing with requests for compliance advice and following up notifications of food poisoning;
- Liaison with other departments in the interests of coordinated service delivery: in particular licensing and planning;
- Supporting national strategies and the wider public health agenda.
Text.

- 3.2 Health and Safety regulation consists of these areas of work:

- Planned activities such as unannounced inspections of high risk businesses and targeted interventions in line with the HSE's strategic aims;
- Unplanned (reactive) work such as the investigation of notifiable accidents, prescribed diseases, complaints and dealing with serious risks that are identified during other activities (Matters of Evident Concern);
- The provision of compliance advice to businesses.

4. KEY IMPACTS / RISKS

- 4.1 Under normal circumstances the failure to monitor the delivery of the approved Service Plans could invite criticism from the Food Standards Agency and the Health and Safety Executive in their capacities as the national regulators.
- 4.2 Members have asked to be kept informed about the delivery of the approved Service Plans in order that they can comment on the way in which the service is provided as well as the available resources.

5. ACTIONS AND PROGRESS AGAINST THE APPROVED PLANS

- 5.1 Appendices 1 and 2 relate to the delivery of the Food Law Enforcement Service Plan.
- 5.2 Appendix 1 compares the recorded activity in each of the programmed work service areas with the predicted activity in the approved Service Plan. The key activities of compliance visits, approved premises inspections and other proactive visits are all Red due to the suspension of all inspections earlier in the year. However, a programme of remote “virtual” inspections were rolled out so that when physical inspections resume we can re-assess the risk status of premises to identify better which premises need to be inspected most urgently. The FSA agreed to physical inspections to recommence in late July. The higher risk premises have been identified and are now being inspected, however inspection times have doubled due to Covid restrictions and the need to undertake a business Covid compliance check at every inspection as per Gov`t instruction.
- 5.3 A higher number of new food business registrations have been received since May 2020, which are being processed virtually to enable premises to take advantage of the relaxing and reopening of certain business types.
- 5.4 The alternative enforcement strategy is currently at red; this remains a lower priority, second to Food safety inspections and Covid compliance work as these are our very low risk premises that are assessed by means other than visits and will be followed up throughout the remainder of the year.
- 5.5 The focus in the last quarter has been to relaunch food safety inspections, Health and safety work as well as target new business registrations and interventions remotely which has been successful and is Green. Additional work directly related to Covid has meant that officers have been taken away at short notice to deal with Covid related matters.
- 5.6 Appendix 2 refers to the unplanned (reactive) work undertaken by the service. The number of customer complaints and service requests is driven by demand which has been reduced due to the current situation, these figures will prove volatile in 2020-21 as a result of Covid 19 due to

most reports of food poisoning traditionally being from food consumed at home. At present all indicators are green.

- 5.7 The food hygiene training programme remains suspended, likely for the rest of the financial year, but there is a commitment by the team to re-establish these as soon as possible.
- 5.6 The Health and Safety Service Plan would normally contain a mixture of programmed work, reactive work and the provision of compliance information and advice. However as planned inspections have also been suspended due to Covid 19 and work has only been reactive, which due to the number of business closures has been limited. The reopening of a range of businesses from June 2020 has led to queries around social distancing, PPE and staff safety which is expected to occupy most of our Health and Safety work for the foreseeable future. Health and safety work has increased significantly, which is to be expected and is forecast to remain high for the foreseeable future due to Covid 19
- 5.7 During Covid the main health and safety queries have been around social distancing in the workplace, which has resulted in a steady stream of advice and from July onwards regular visits by the team, at the time of writing the report the food and licensing teams have dealt with over 400 complaints and/or requests for advice.
- 5.8 The team have been heavily involved in producing guidance and information relating to reopening our town centres, providing guidance for Food business reopening, along with businesses such as Barbers, Tattooists, Nail bars etc
- 5.9 Further work has and continues to be done around track and trace work as required and is likely to need more office time in Q3 due to changing priorities and roles being placed on Local Authorities by Government.

6. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES

- 6.1 These reporting arrangements support the wider corporate objectives to
- Create, protect and enhance our safe built environment
 - Support people to improve their health and wellbeing
 - Accelerate business growth and remove barriers to growth

7. CONSULTATION

- 7.1 No consultations required as part of this report

8. LEGAL IMPLICATIONS

- 8.1 None.

9. RESOURCE IMPLICATIONS

9.1 The failure to report the delivery of the approved Service Plans may prejudice the Council's ability to provide the necessary resources.

10. OTHER IMPLICATIONS

10.1 None.

11. REASONS FOR THE RECOMMENDED DECISIONS

11.1 To keep Members informed about the delivery of the approved Service Plans.

12. LIST OF APPENDICES INCLUDED

Appendix 1 – Food Safety Service Plan: programmed (proactive) Activity

Appendix 2 – Food Safety Service Plan: Reactive Activity

Appendix 3 - Health and Safety Activity

CONTACT OFFICER

Name/Job Title: M.Bebbington – Acting Operational Manager (Business)

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Appendix 1 – Food Safety Service Plan: Programmed (Proactive) Activity

Proactive Tasks	Level of Activity		Progress
	Predicted activity 2020-21	Recorded activity Jul 1st – Sep 30	RAG Status
Programmed food hygiene inspections (risk group A-D, in addition to those below)	409	19 (23 total to date)	RED
Alternative Enforcement Strategy (AES) (e.g. cake makes and childminders)	106	0	RED
Revisits	20	0	RED
Inspections of or visits to new Food Businesses	130	57 (138 total to date)	GREEN
Visits to Approved Establishments	6	2	GREEN
Primary Authority Partnership Activity includes requests for advice, attendance at meetings and provision of training	2hrs	0	RED
Other proactive visits (food, water and environmental samples / advisory)	100	0	RED
Prosecutions and cautions	2	0	AMBER
Formal action (service of notices, closures)	10	0	AMBER

- 1. New businesses continue to be unpredictable – the definition includes both brand new start-up businesses as well as those that are changes of ownership or food business operator within an existing business. All have to be added to the premises database and visited as soon as possible. There has been a significant upsurge in new businesses that have during Covid lockdown been subject to remote inspections that will require a physical visit.*

2. *The Q2 statistics reflect the Food Standards agency instruction that all food safety inspection have been put on hold and did not resume until late July. Physical inspections following remotes commenced but are at the time of writing the report suspended once again This equates to doubling of work and time being spent on an inspection.*

Appendix 2 – Food Safety Service Plan: Reactive Activity

Reactive Tasks	Level of activity		Risk Monitoring
	Predicted Activity 2020-21	Recorded activity 1 July 2020 – 30 Sept 2020	RAG Status
Complaints and service requests about food and about/from food businesses ¹	550	95 (197 total to date)	GREEN
FHRS re-score requests	30	4 (5 to date)	GREEN
Food, water and environmental samples taken	25	0	GREEN
Infectious disease control - notifications of food-borne/food poisoning illnesses	80	17 (29 total to date)	GREEN
FSA food alerts for action	2	1	GREEN

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Appendix 3 – Health and Safety Activity

Activity	Level of activity		2020-21 Actual
	2019-20 (Actual)	2020-21 (Estimated)	
Premises inspections and interventions (including revisits and remote inspections)	12	10	48 all Covid related, 26 of which were visits. Total to date 50
Health and safety complaints and requests for service *	60	75	H&S general = 12 Covid related complaints = 33 Advice to businesses =30 Total year to date 114
Accident and dangerous occurrence investigations commenced **	24	30	15 Total year to date 20
Specific smoke free enforcement visits***	0	0	0
Matters of Evident Concern (MEC)****	23	30	5 Total year to date 5
Health and safety promotion and advice to business/enquiries	<ol style="list-style-type: none"> 1. Issue of legionella advice to businesses reopening 2. Safe reopening information 3. Health and safety in the workplace (Covid bias) to registered businesses 4. Work with “Safer urban spaces group on range of promotions) 		
Liaison with other organisations	Six meetings of the Cambridgeshire and Peterborough Food and Safety Group		

- * This figure includes statutory notifications about working with asbestos, Adverse Insurance Reports (AIR) about unsafe work equipment and requests for advice and information. The diversity of work illustrates the importance of maintaining resources in order that effective investigations can be carried out.
- ** The selection of accidents for investigation is founded upon the risk-based criteria in Local Authority Circular (LAC) 22/13.
- *** This figure is driven by the number of relevant complaints received by the service.
- **** Matters of Evident Concern are significant health and safety problems that officers have noted during non-health and safety activities.

HUNTINGDONSHIRE DISTRICT COUNCIL

Title: Suspension & Revocation of Hackney Carriage & Private Hire Licences.

Meeting/Date: Licensing and Protection Committee – 9 December 2020

Executive Portfolio: Executive Councillor for Leisure and Regulatory Services – Cllr Mr K Prentice

Report by: Licensing Team.

Ward(s) affected: All.

1. INTRODUCTION

- 1.1 The Acting Operational Manager (Business) has delegated authority to refuse, suspend or revoke private hire and hackney carriage driver and vehicle licences under the powers delegated by or on the recommendation of the Licensing and Protection Committee.
- 1.2 Below is a summary of the actions that have taken place since the last meeting of the Committee.

2. REPORT

2.1

Date	Licence type	Decision	Reason	Outcome
23.07.2020	Private Hire Vehicle Licence	Suspended S60 (1)	Non – compliance by licence holder. Failed to provide proof of insurance.	Suspension removed on 30.07.2020.
24.07.2020	Private Hire Vehicle Licence	Suspended S60 (1)	Non – compliance by licence holder. The authority could not establish the legal owner of the vehicle.	Suspension removed on 23.08.2020.

24.07.2020	Private Hire Vehicle Licence	Suspended S68	Vehicle in an unfit condition following a collision.	Suspension removed on 09.09.2020.
24.07.2020	Private Hire Vehicle Licence	Suspended S68	Vehicle in an unfit condition following a collision.	Suspension removed on 12.08.2020.
31.07.2020	Private Hire Vehicle Licence	Revocation S60 (1)	Non – compliance by licence holder. Vehicle uninsured. Vehicle untaxed.	Appeal pending.
07.08.2020	Private Hire Vehicle Licence	Suspended S68	Dangerous defects found during annual compliance test.	Suspension removed on 19.08.2020
13.08.2020	Private Hire Vehicle Licence	Suspended S60 (1)	Vehicle SORN Vehicle advertised for sale with plate – HDC not notified. No proof of insurance provided.	Suspension removed on 26.08.2020
14.08.2020	Private Hire Vehicle Licence	Suspended S68	Vehicle in an unfit condition.	Suspension removed on 18.08.2020.
28.08.2020	Private Hire Vehicle Licence	Suspended S60 (1)	Non – compliance by licence holder. No proof of insurance provided.	Suspension removed on 02.09.2020.
28.08.2020	Private Hire Vehicle Licence	Suspended S60 (1)	Non – compliance by licence holder. No proof of insurance provided.	Suspension removed on 01.09.2020.

28.08.2020	Private Hire Vehicle Licence	Suspended S60 (1)	Non – compliance by licence holder. No proof of insurance provided.	Suspension removed on 01.09.2020.
11.09.2020	Private Hire Vehicle Licence	Revocation S60 (1)	Non – compliance by licence holder. Vehicle identity changed and displaying a different identity to that shown on licence and licence plates. No proof of insurance.	Appeal pending.
14.09.2020	Private Hire Vehicle Licence	Revocation S60 (1)	Non – compliance by licence holder. Vehicle uninsured. Vehicle untaxed.	No appeal made.
15.09.2020	Private Hire Vehicle Licence	Suspended S68	Significant damage to vehicle roof.	Suspension removed on 29.09.2020.
17.09.2020	Private Hire Vehicle Licence	Suspended S60	Providing false/misleading or incorrect information on renewal application. Breach of Section 49 (1) & (2) of the Local Government (Miscellaneous Provisions) Act 1976.	Licence now expired and the suspension lapsed. Vehicle no longer licensed.

23.09.2020	Hackney Carriage Vehicle Licence	Suspended S60	Non – compliance by licence holder. Vehicle unfit. Vehicle could not pass mandatory test X3.	Licence now expired and the suspension lapsed. Vehicle no longer licensed.
23.09.2020	Private Hire Vehicle Licence	Suspended S68	Dangerous defects found during annual compliance test.	Suspended removed on 06.10.2020
29.09.2020	Hackney Carriage Vehicle Licence	Revoked S60 (1)	Non – compliance by licence holder. The authority could not establish who the legal owner of the vehicle was. Vehicle operating in Thurrock. Breach of Section 49 (1) & (2) of the Local Government (Miscellaneous Provisions) Act 1976.	No appeal made

3. MATTERS TO BE TAKEN INTO ACCOUNT

3.2 The following licensing decisions from previous reports are still awaiting a court date:

Date of original HDC decision	Licence type	Result
28.11.2019	Refusal to grant a Hackney Carriage/Private Hire Driver Licence. [Renewal applicant]	Full trial pending Appeal adjourned until 21.01.2021

08.11.2019	Refusal to grant a Hackney Carriage/Private Hire Driver Licence. [Renewal applicant]	Appeal dismissed by Peterborough Magistrates on 18.11.2020
23.08.2019	Refusal to grant a Hackney Carriage/Private Hire Driver Licence. [New applicant]	Appeal scheduled to be heard on 02.12.2020

5. RECOMMENDATION

5.1 Members are requested to note and consider the above information

Contact Officer: Licensing Team
licensing@huntingdonshire.gov.uk

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