

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION SUB-COMMITTEE held in MR0.1A, GROUND FLOOR, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN on Wednesday, 6 March 2019.

PRESENT: Councillor S J Criswell – Chairman.

Councillors J R Clarke, S J Corney and Mrs S A Giles.

65. MINUTES

The Minutes of the meeting held on 23rd January 2019 were approved as a correct record and signed by the Chairman.

66. MEMBERS INTERESTS

No declarations were received.

67. 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.

68. LICENSING AND PROTECTION SUB-COMMITTEE PROCEDURE

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

69. CONVICTIONS GUIDANCE

The Council's Guidelines relating to the relevance of treatment of convictions, both post and pre 1st January 2019 were received and noted.

70. 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 an application for a Hackney Carriage and Private Hire Driver's Licence from Mr HSG who had motoring convictions.

A copy of the applicant's driver licence check undertaken by the Driver and Vehicle Licence Agency was provided to the Sub-Committee and Members were advised of the options available to them in respect of this application. Clarification was sought and provided on the dates of the offences as set out in Section 2.2 of the

report.

Mr HSG was then permitted to address the Sub-Committee and in doing so outlined the reasons why he should be granted a licence. Following a number of questions from the Sub-Committee concerning the circumstances and penalties surrounding his previous offences, clarification was also provided on the return of his previous licence. Mr HSG 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 driver licence 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 given that a period of over 12 months had elapsed since the restoration of the DVLA licence and this was in line with the guidelines that were in force upon receipt of the application, the Sub-Committee

RESOLVED

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

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

(The Applicant was accompanied by Mr HT, 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 an application for a Hackney Carriage and Private Hire Driver's Licence from Mr KS who had a previous conviction which required a licensing decision to be taken by the Sub-Committee.

Copies of the applicant's driver licence check undertaken by the Driver and Vehicle Licence Agency and the mandatory Disclosure and Barring Service (DBS) criminal background check 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 outlined the reasons why he considered himself to be a fit and proper person to hold a licence. Following a number of questions from the Sub-Committee concerning the circumstances surrounding his previous conviction, the reasons why he should be granted a licence and for wanting to be a driver, Mr KS and Mr HT 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 Criminal Record check 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 as outlined in the District Council's Licensing Policy, the legislative and policy provisions, statutory guidance and advice from their legal representative.

Whereupon having decided that in the circumstances sufficient time had elapsed since the conviction, there was no intention to cause the incident to occur and that the applicant had learnt from the experience, it was

RESOLVED

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

72. RENEWAL APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE / REVIEW OF A PRIVATE HIRE OPERATING LICENCE

(The Applicant was accompanied by Mr SA, 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 a renewal application for a Hackney Carriage and Private Hire Driver's Licence from Mr SAA who had declared two motoring convictions which required a decision to be made by the Licensing and Protection Sub-Committee.

The applicant was also a Private Hire Operator licensed by the District Council and the District Council had also carried out a review of this licence.

A copy of the applicant's driver licence 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 and the applicant's current Private Hire Operator's Licence which would for the purposes of the hearing be treated as separate.

Mr SA was then permitted to address the Sub-Committee on Mr SAAs behalf. In doing so he provided further information as to circumstances surrounding his motoring convictions, together with the reasons he had failed to declare these on renewal and variation of his Operators licence earlier in the year. As part of his defence the Sub-Committee were provided with copies of various documents from the Court and those submitted to Cambridgeshire Constabulary. Mr SAA admitted that he had failed to disclose the details of his convictions to the Authority as required within seven days.

Following a number of questions from Members of the Sub-Committee, Mr SAA and Mr SA 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 driver licence background check 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.

In respect of the application for the renewal of a Hackney Carriage and Private Hire Drivers licence, the Sub-Committee were mindful that whilst there were penalty points on the applicant's DVLA licence, the nature of these offences was insufficient at this time not to grant. The applicant had suggested that he was not the driver at the time of the offences and on this occasion the Sub-Committee decided to give the applicant the benefit of the doubt. Whereupon, it was

RESOLVED

- (i) that the application to renew a Hackney Carriage and Private Hire Licence be granted.

In respect of the Private Hire Operator's Licence, the Sub-Committee were dismayed that an Operator with so many years' experience failed to comply with the obligations. It was

RESOLVED

- (ii) that a written warning be issued reminding the Operator that there is an obligation to comply with the obligations.

73. 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 renewal application for a Hackney Carriage and Private Hire Driver's Licence from Mr FR who had declared a previous conviction and a caution which required a decision to be made by the Licensing and Protection Sub-Committee.

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

Mr FR was then permitted to address the Sub-Committee and in doing so provided further information as to circumstances surrounding his previous convictions, together with the reasons why he wished to work as a Private Hire Driver. Following a number of questions from Members of the Sub-Committee concerning the applicant's most recent occupation and Security Industry certification 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 driver licence background check and the DBS Criminal Record 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 as outlined in the District Council's Licensing Policy, the District Council's Schedule of Conditions of licence, the legislative and policy provisions, statutory guidance and advice from their legal representative.

Whereupon given the passage of time since both the conviction and the caution and having accepted the explanation provided by the applicant and the contrition shown, it was

RESOLVED

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

Chairman