

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, 12 June 2019.

PRESENT: Councillor S J Criswell – Chairman.
Councillors J R Clarke, Mrs P A Jordan and D J Mead.

1. MINUTES

The Minutes of the meeting of the Sub-Committee held on 24th April 2019 were approved as a correct record and signed by the Chairman.

2. MEMBERS INTERESTS

No declarations were received.

3. 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.

4. LICENSING AND PROTECTION SUB-COMMITTEE PROCEDURE

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

5. CONVICTIONS GUIDANCE

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

6. 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 from Mr AH who has two motoring convictions which had both been received during the period of his last recorded Licence. The Council had also been unable to undertake a background check for the applicant through the DBS Update Service.

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 this application.

Mr AH was permitted to address the Sub-Committee and clarification was sought regarding his subscription to the DBS Update Service. Following a number of questions from the Sub-Committee and officers concerning the circumstances of the motoring offences, the applicant's attendance at a Driving Awareness Course and his working hours, Mr AH was invited to outline the reasons as to why he should be considered a fit and proper person to hold a licence. 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 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 as outlined in the District Council's Licensing Policy, the legislative and policy provisions, statutory guidance and advice from their legal representative.

Having noted that the Council's clear Policy at Section 6.15 states that upon a conviction for use of a hand-held device whilst driving a licence will not be granted until at least 5 years after the date of conviction or completion of sentence, the Sub-Committee did not hear anything to cause them to depart from their Policy on this occasion. Whereupon, it was

RESOLVED

that the application for renewal of a Hackney Carriage and Private Hire Licence be refused.

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

7. 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 a case from Mr MNE whose case had been referred to the Licensing and Protection Sub-Committee for consideration.

As the driver was not in attendance, it was

RESOLVED

that consideration of this matter be deferred to the next meeting of the Sub-Committee to permit the licence holder a further opportunity to attend.

8. REVIEW OF A HACKNEY CARRIAGE / PRIVATE HIRE DRIVER 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 case of Mr AHS which had been referred to the Licensing and Protection Sub-Committee for consideration.

Following an introduction from the Licensing Officer, Mr AHS provided details of his insurance cover and explained that he had visited the Council to provide his identify checks for his Disclosure and Barring Service checks on 9th May 2019. There then followed a short adjournment to enable officers to verify this information.

On resumption at 11.30am, it was confirmed that adequate insurance cover was in place for the vehicle and that although Mr AHS appeared to have visited the Council on 9th May 2019 this would need to be investigated further by the Licensing Team as the check was still not showing as complete.

Mr AHS was permitted to address the Sub-Committee and in doing so provided further information as to the circumstances surrounding his motor convictions and the reasons he should be considered fit and proper to hold a Hackney Carriage and Private Hire Driver's licence. Following a number of questions from the Sub-Committee, Mr AHS 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 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 legislative and policy provisions, statutory guidance and advice from their legal representative.

Given that there had been a period of two years between the first and second convictions, the Sub-Committee were not satisfied that a sufficient pattern had been established at this time to require revocation of the licence. The Sub-Committee were also minded to accept that there may have been mitigating circumstances on one occasion. Therefore, it was

RESOLVED

that a written warning be issued drawing attention to the seriousness of the three convictions and the concern that any further convictions may establish a pattern which may bring into question whether the licence holder is a fit and proper person to hold a licence.

9. 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 an application from Mr GK which had been referred to the Licensing and Protection Sub-Committee for consideration under the current licensing policy and scheme of delegation.

The applicant was not in attendance however on this occasion, the Sub-Committee decided to hear the application in his absence.

The Sub-Committee gave careful consideration to the application and the information within the committee report. Members 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 under the new Policy, the Sub-Committee remained a fit and proper person, it was

RESOLVED

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

Chairman