

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION APPLICATIONS SUB-GROUP held in Chief Executive's Meeting Room, 2nd Floor, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN on Thursday, 25 August 2011.

PRESENT: Councillor K J Churchill – Chairman.
Councillors I J Curtis, J W Davies and R S Farrer.

8. MINUTES

The Minutes of the meeting of the Sub-Group held on 7th June 2011 were approved as a correct record and signed by the Chairman.

9. MEMBERS' INTERESTS

Councillor K J Churchill declared a personal interest by virtue of his position as a Peterborough Magistrate.

10. APPLICATIONS SUB-GROUP PROCEDURE

The Sub-Group noted the procedure for the meeting.

11. RELEVANT CONVICTIONS

The Declaration of Relevant Convictions document was noted by the Sub-Group.

12. EXCLUSION OF THE PUBLIC

RESOLVED

that the public be excluded from the meeting because the business to be transacted contains exempt information relating to an individual and is subject to an obligation of confidentiality.

13. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - EXISTING LICENCE HOLDERS

(a) Review of Existing Licence Holder

The Sub-Group was acquainted with a report by the Head of Legal and Democratic Services (a copy of which is appended in the Annex to the Minute Book) in relation to an existing hackney carriage and private hire driver's licence belonging to Mr RA who did not meet the Council's established criteria to hold such a licence. The driver appeared before the Sub-Group and having had the procedure of the meeting explained to him, was invited to explain his reasons for failing to notify

the Council of a conviction, in accordance with the conditions of his hackney carriage and private hire driver's licence. Following questions raised by the Sub-Group, Mr RA left the meeting. Having considered the issues involved, the Sub-Group

RESOLVED

that the hackney carriage and private hire driver's licence be suspended for a period of eight months and a written warning regarding future conduct be issued, on the grounds that the driver is not a fit and proper person to hold such a licence owing to the seriousness of the conviction which he had failed to declare.

Having been made aware of the Sub-Group's decision, the applicant was advised of his right of appeal to the Magistrate's Court.

(b) Review of Existing Licence Holder

The Sub-Group was acquainted with a report by the Head of Legal and Democratic Services (a copy of which is appended in the Annex to the Minute Book) in relation to the existing hackney carriage and private hire driver's licence belonging to Mr MFT who did not meet the Council's established criteria to hold such a licence. The driver appeared before the Sub-Group and having had the procedure of the meeting explained to him was invited to explain his reason for failing to notify the Council of a conviction in accordance with the conditions of his hackney carriage and private hire driver's licence.

Following questions raised by the Sub-Group, the driver left the meeting. Having considered the issues involved, the Sub-Group

RESOLVED

that due to mitigating circumstances, no further action be taken with regard to the hackney carriage and private hire driver's licence held by the individual, however the driver was advised that he would receive a written warning regarding his future conduct and a reminder of his requirement to understand the conditions of his licence.

(c) Review of Existing Licence Holder

Arising from a report by the Head of Legal and Democratic Services (a copy of which is appended in the Annex to the Minute Book), the Sub-Group was requested to consider the case of Mr HE, an existing hackney carriage and private hire

driver whose licence had been temporarily suspended following a conviction for unlawfully plying for hire and having no insurance. Mr HE had failed to notify the Council of both convictions.

Having been advised of the procedure of the meeting the driver was invited to explain his behaviour. Following questions raised by the Sub-Group the driver left the meeting.

Having considered the issues involved, the Sub-Group

RESOLVED

that the licence be revoked on the grounds that the individual is not a fit and proper person to hold such a licence owing to the seriousness of his conviction and breach of licence conditions of failing to notify the Council of his offences.

14. HACKNEY CARRIAGE AND PRIVATE HIRE - NEW APPLICATIONS

(a) New Application

The Sub-Group was acquainted with a report by the Head of Legal and Democratic Services (a copy of which is appended in the Annex to the Minute Book) containing details of an application for hackney carriage and private hire driver's licence from a person who did not meet the Council's established criteria to hold such a licence owing to the information contained within his Criminal Records Bureau disclosure. The applicant, Mr ML, appeared before the Sub-Group and having had the procedure of the meeting explained to him was invited to explain the circumstances as to why he felt he should be granted a licence. Having considered the issues involved and the representations made by the applicant the applicant left the meeting. Whereupon the Sub-Group

RESOLVED

that the application for a hackney carriage and private hire driver's licence be refused on the grounds that the applicant is not a fit and proper person to hold a licence owing to the seriousness of his previous convictions together with his current state of health.

Having been made aware of the Sub-Group's decision, the applicant was advised of his right of appeal to the Magistrate's Court.

(b) New Application

(The applicant was accompanied by his Solicitor)

The Sub-Group was acquainted with a report by the Head of Legal and Democratic Services (a copy of which is appended in the Annex to the Minute Book) containing details of an application for a hackney carriage and private hire driver's licence from a person who did not meet the Council's established criteria to hold such a licence. The applicant, Mr AQ, appeared before the Sub-Group accompanied by his solicitor who gave an explanation of the circumstances relating to his current conviction and referred to the previous refusal of a licence by the Sub-Group. Following questions raised by the Sub-Group, the applicant and his solicitor left the meeting. Having considered the issues involved, the Sub-Group

RESOLVED

that the application for a hackney carriage and private hire driver's licence be approved.

(c) New Application

The Sub-Group was acquainted with a report by the Head of Legal and Democratic Services (a copy of which is appended in the Annex to the Minute Book) containing details of an application for a hackney carriage and private hire driver's licence from a person who did not meet the Council's established criteria to hold such a licence owing to his conviction for plying for hire in an uninsured vehicle. As the applicant, Mr ST, was not in attendance and had also failed to attend a previous meeting of the Sub Group, it was

RESOLVED

that the application be determined in his absence and refused on the grounds that the applicant is not a fit and proper person to hold such a licence owing to the nature of his previous convictions of having no insurance and illegally plying for hire.

(d) New Application

The Sub-Group was acquainted with a report by the Head of Legal and Democratic Services (a copy of which is appended in the Annex to the Minute Book) containing details of an application for hackney carriage and private hire driver's licence from a person who did not meet the

Council's established criteria to hold such a licence owing to the information contained within his Criminal Records Bureau disclosure. As the applicant, Mr MAO, was not in attendance, it was

RESOLVED

that consideration of the application be deferred.

Chairman