

## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION APPLICATIONS SUB-GROUP held in Meeting Room 1.1, First Floor, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN on Tuesday, 26 April 2016.

PRESENT: Councillor R Fuller – Chairman.  
Councillors Mrs S Conboy, D J Mead and R J West.

### **92. MINUTES**

The Minutes of the meeting held on 22nd March 2016 were approved as a correct record and signed by the Chairman.

### **93. MEMBERS INTERESTS**

No declarations were received.

### **94. 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.

### **95. LICENSING SUB-GROUP PROCEDURE**

The Licensing and Applications Sub-Group Procedure was received and noted.

### **96. CONVICTIONS GUIDANCE**

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

### **97. NEW APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE**

Further to Minute No. 91 and 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-Group considered an application for a Hackney and Private Hire driver's licence from Mr SS who did not meet the Council's published criteria to hold such a licence owing to his previous convictions. A copy of the results of the applicants DBS check, DVLA driver record and his driving licence were provided to Members of the Sub-Group, together with a letter from the applicant and two references submitted on his behalf. The options available to the Sub-Group were (i) allow the application to proceed or (ii) refuse the application.

The applicant was then given the opportunity to address the Sub-

Group. Following a number of questions from Sub-Group Members, Mr SS left the meeting.

Following careful consideration of the application, the information within the committee report and the DBS check, the submissions made by the applicant and the references provided on his behalf, the Sub-Group also took into account the Council's guidelines relating to the relevance and treatment of convictions and the legislative provisions. Whereupon it was

RESOLVED

that the application be refused on the grounds that the applicant is not a 'fit and proper' person owing to the relevant serious nature of the offences committed by the applicant and the pattern of these offences, his convictions for offences involving violence and drugs and his failure to notify the Council of three endorsements for an offence in 2014. The Council's Guidelines relating to the relevance and treatment of convictions also require the applicant to have been free from conviction for at least 5 years.

**98. REVIEW OF AN EXISTING JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE**

The Sub-Group considered a report by the Head of Community (a copy of which is appended in the annex to the Minute Book) outlining the case of Mr MA who had been convicted for offences which had not been disclosed to the Council. A copy of his driving licence and the DVLA driving record were provided for Members of the Sub-Group, together with a copy of the court register for 30th July 2016.

The driver was then invited to address the Sub-Group to respond to the issues which had been raised within the report and to present his case for continuing to hold a licence. Following a number of questions from Sub-Group Members, MA left the meeting. The options which were available to the Sub-Group on this occasion were (i) take no further action, (ii) issue a written warning (iii) suspend the licence or (iv) revocation of the licence.

Following careful consideration of the contents of the contents of the committee report, the submissions made by the driver and his responses to Members questions, the Sub-Group also took into account the Council's guidelines relating to the relevance and treatment of convictions, the Hackney Carriage and Private Hire Vehicles Drivers Schedule of Conditions of Licence and the legislative provisions.

Having accepted that the driver had held a licence since 2004 and had not previously come to the attention of the licensing authority, the Sub-Group did not consider him to be a threat to the public. The Sub-Group also acknowledged that the offences had not been committed whilst Mr MA had been driving a taxi. However in view of his disqualification from driving for six months under the totting process for two offences and his failure on both occasions to notify the Council within 7 days, it was

RESOLVED

that Mr MA should be issued with a formal written warning regarding his responsibilities as a licensed driver and his understanding of Huntingdonshire District Council's schedule of conditions.

The driver was advised that any subsequent occurrences of a similar nature may render him liable to appear before the Licensing and Protections Sub-Group again who would consider whether he was a 'fit and proper' person to continue to hold a private hire and hackney carriage driver's licence.

It was also agreed that the driver should be provided with a further copy of the Schedule of Conditions for drivers of hackney carriage and private hire vehicles.

**99. REVIEW OF AN EXISTING JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE**

The Sub-Group considered a report by the Head of Community (a copy of which is appended in the annex to the Minute Book) outlining the case of AC, an existing licensed Hackney Carriage and Private Hire driver who had recently received an endorsement on his driving licence which had not been disclosed to the Council within seven days.

In the absence of the licence holder, the Sub Group took into account his submission which had been sent to the Licensing Team and which indicated that he was happy for a decision on this matter to be made in his absence. In doing so, Members acknowledged the errors with paragraphs 1.5 and 2.4 of the committee report. The options which were available to the Sub-Group on this occasion were (i) take no further action, (ii) issue a written warning (iii) suspend the licence or (iv) revocation of the licence.

Following careful consideration of the contents of the contents of the committee report and the submission made by the driver, the Sub-Group also took into account the Council's guidelines relating to the relevance and treatment of convictions, the Hackney Carriage and Private Hire Vehicles Drivers Schedule of Conditions of Licence and the legislative provisions.

Having accepted that the licence holder's failure to notify the Council was for a minor speeding offence and appeared to be a genuine oversight, it was

**RESOLVED**

that on this occasion no further action should be taken.

It was also agreed that the driver should be provided with a further copy of the Schedule of Conditions for drivers of hackney carriage and private hire vehicles.