

## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION SUB-COMMITTEE held in MEETING ROOM 0.1B, GROUND FLOOR, PATHFINDER HOUSE, HUNTINGDON PE29 3TN on Tuesday, 2 August 2016.

PRESENT: Councillor R Fuller – Chairman.

Councillors J E Corley, J W Davies and Mrs J Tavener.

### 13. MINUTES

The Minutes of the meeting of the Licensing and Protection Sub-Committee held on 14th July 2016 were approved as a correct record and signed by the Chairman.

### 14. MEMBERS INTERESTS

No declarations were received.

### 15. 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.

### 16. LICENSING AND PROTECTION SUB-COMMITTEE PROCEDURE

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

### 17. CONVICTIONS GUIDANCE

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

### 18. REVIEW OF AN EXISTING JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE

*(The driver was accompanied by his son, Mr ZA who assisted and supported).*

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 the case of Mr MH, an existing Hackney Carriage and Private Hire Driver. Mr MH appeared before the Sub-Committee and advised Members that he had not received a copy of the Agenda or the letter inviting him to attend. Whereupon, the Sub-Committee

RESOLVED

that this item be deferred, to enable the Licence Holder and his Son an opportunity to read and give consideration to the details within the Committee report.

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

*(The applicant was accompanied by his wife, Mrs RH who assisted and supported).*

Consideration was given to a report by the Head of Community (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 Mr GF who did not meet the Council's published criteria to hold such a licence owing to matters contained within his DBS Check and his failure to disclose previous convictions. A copy of the results of the DBS check was provided for the attention of Members of the Sub-Committee.

The applicant was then provided with an opportunity to address the Sub-Committee and asked to respond to questions from Members of the Sub-Committee concerning the information within the DBS report and his application. Having been asked whether there was anything further which he wished the Sub-Committee to consider, the applicant then left the meeting.

Following careful consideration of the application including the submissions made by the applicant with assistance and support from his wife, the Council's guidelines relating to the relevance and treatment of convictions, the content of the committee report and the legislative provisions under Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, the Sub-Committee

**RESOLVED**

that the application be refused because the applicant is not a fit and proper person owing to his failure to declare relevant information on his application and his DBS application. The Council's guidance relating to the relevance and treatment of convictions states that where an applicant has failed to declare relevant information on the application for the grant of a licence, the licence will normally be refused and on this occasion, the Sub-Committee had not heard anything which would enable them to depart from their guidance.

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

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

*(The driver was accompanied by his son, Mr ZA who assisted and supported).*

Pursuant to Minute No.18 above 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-Committee considered the case of Mr

MH, an existing Hackney Carriage and Private Hire Driver. This item had been deferred to enable the licence holder and his son an opportunity to read and give consideration to the details within the Committee report.

Having sought clarification that the licence holder was content for the Sub-Committee to proceed and that he did not wish to adjourn to seek legal advice, the Licensing Manager proceeded to outline the case of Mr MH who had received endorsements on his driving licence, which had not been subsequently disclosed to the Council as required under the Council's guidelines relating to the relevance and treatment of convictions. A copy of his DVLA Driver's record was circulated to Members of the Sub-Committee for information.

The driver was then given the opportunity to present his case for continuing to hold a licence and to his explain his reasons for not informing the Council of his convictions within seven days. He then responded to questions from Members of the Sub-Committee following which he left the meeting

Following careful consideration of the case, including the representations made by the driver with the assistance and support of his son, the Council's guidelines relating to the relevance and treatment of convictions, the Council's schedule of conditions of licence, contents of the committee report and the legislative provisions, the Sub-Committee accepted Mr MH's reasons for failing to notify the Council of his convictions and then subsequently failing to declare them when renewing his licence. However in recognition that the Sub-Committee take these failures and omissions seriously and Members desire to stress the importance of complying with the regulations set by the authority, it was

#### RESOLVED

that Mr MH be issued with a written warning emphasising the serious nature of the offences for which he had been convicted, the importance of complying with the regulations set by the Authority and the need to remind himself of his obligations under the Schedule of Conditions for drivers of hackney carriage and private hire vehicles.

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.

In reaching their decision on this matter, the Sub-Committee agreed that the inclusion of the 2013 Renewal Application Form within the Committee Papers was not relevant as this had been completed prior to the date of the first offence.

Chairman