

## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION SUB-COMMITTEE held in Meeting Room 0.1B, Ground Floor, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Tuesday, 16 August 2016.

PRESENT: Councillor R Fuller – Chairman.  
Councillors Mrs B E Boddington, J E Corley and J W Davies.

### **21. MINUTES**

The Minutes of the meeting of the Sub-Committee held on 2nd August 2016 were approved as a correct record and signed by the Chairman.

### **22. MEMBERS INTERESTS**

Councillor J W Davies declared a non-statutory disclosable interest in Minute No. 26 by virtue of the fact that the applicant was known to him, left the meeting and did not participate in the discussion or voting on the item.

### **23. 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.

### **24. LICENSING AND PROTECTION SUB-COMMITTEE PROCEDURE**

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

### **25. CONVICTIONS GUIDANCE**

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

### **26. REVIEW OF AN EXISTING HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE**

*(See Minute No. 22 for Members' interests).*

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 MH who did not meet the Council's published criteria to hold such a licence owing to matters

contained within his DBS Check, his failure to disclose previous convictions and the fact that the police had notified the Council that he had been driving his Private Hire vehicle without a valid Hackney Carriage and Private Hire drivers licence and had been issued with a PG9 Prohibition Notice because the vehicle had a number of defects. A copy of the results of the DBS check and evidence provided by the police were 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, the police notification and his application. Having been given the opportunity to provide with 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, 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 licence be revoked because the applicant is not a fit and proper person because he had knowingly driven a private hire vehicle without a valid joint Hackney Carriage and Private Hire Driver's licence, had driven a vehicle which was not roadworthy and had been convicted of traffic offences and had failed to notify the Council of the offences. The number of infractions and the relevant nature of those breaches meant that the applicant posed a threat to the public and his actions undermined the public's confidence in the use of licensed vehicles.

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

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

*(The driver was accompanied by a representative of his employer).*

The Sub-Committee 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 RV who had been convicted of an offence, which had not been disclosed to the Council in accordance with the Conditions of Licence. A copy of his DVLA driving record was provided for Members of the Sub-Group.

The driver was then invited to address the Sub-Committee 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-Committee Members, Mr RV left the meeting. The options which were available to the Sub-Committee on this

occasion were (i) take no further action, (ii) issue a written warning (iii) suspend the licence or (iv) revocation of the licence.

The Sub-Committee gave careful consideration of the contents of the committee report, the submissions made by the driver and his responses to Members' questions. Members 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 relevant legislative provisions.

#### RESOLVED

that Mr RV 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 might render him liable to appear before the Licensing and Protections Sub-Committee 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.

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

*(The driver was accompanied by his partner).*

The Sub-Committee 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 RL who had been convicted of offences, which had not been disclosed to the Council in accordance with the Conditions of Licence. A copy of his DVLA driving record was provided for Members of the Sub-Group.

The driver was then invited to address the Sub-Committee 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-Committee Members, Mr RL left the meeting. The options which were available to the Sub-Committee on this occasion were (i) take no further action, (ii) issue a written warning (iii) suspend the licence or (iv) revocation of the licence.

The Sub-Committee gave careful consideration of the contents of the committee report, the submissions made by the driver and his responses to Members' questions. Members 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 relevant legislative provisions.

#### RESOLVED

that Mr RV 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 might render him liable to appear before the Licensing and Protections Sub-Committee 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.

Chairman