

## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION SUB-COMMITTEE held in Meeting Room 0.1A, Ground Floor, Pathfinder House, Huntingdon PE29 3TN on Thursday, 2 March 2017.

PRESENT: Councillors J W Davies, R Fuller,  
Mrs S A Giles and R J West.

### **49. ELECTION OF CHAIRMAN**

In accordance with the Licensing and Protection Sub-Committee Procedure, it was

RESOLVED

that Councillor J W Davies be elected Chairman for the meeting.

**Councillor J W Davies in the Chair.**

### **50. MINUTES**

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

### **51. MEMBERS INTERESTS**

No declarations were received.

### **52. 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.

### **53. LICENSING AND PROTECTION SUB COMMITTEE PROCEDURE**

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

### **54. CONVICTIONS GUIDANCE**

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

**55. NEW 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 MM who did not meet the Council's guidance to hold such a licence owing to a previous conviction, which he had declared on his application.

A copy of the results of the applicant's enhanced DBS check was provided to Members of the Sub-Committee. The options which were available to the Sub-Committee were (i) to allow the application to proceed or (ii) refuse the application.

The applicant was then given the opportunity to address the Sub-Committee and in doing so he circulated a written statement and three character references in support of his application. He also took the opportunity to explain the circumstances surrounding his earlier conviction. Following a number of questions from Sub-Committee Members, Mr MM then left the meeting to enable the Sub-Committee to make their determination.

Following careful consideration of the application, the information within the committee report and the DBS check together with the submissions made by the applicant and on his behalf, the Sub-Committee also took into account the Council's guidelines relating to the relevance and treatment of convictions and the legislative and policy provisions. Whereupon in view of the length of time since the conviction, the absence of any evidence of any similar incidents, the fact that the offence had been family related and there had been no further occurrences and that the applicant had held a job working with the public for 10 years it was

RESOLVED

that the application be allowed to proceed.

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

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

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 the case of Mr FM, an existing Hackney Carriage and Private Hire driver who had received two convictions for speeding offences which had not been subsequently disclosed to the Council. He had failed to declare these to the Council within 7 days and also to declare one of these offences on his renewal application in January 2016.

A copy of the results of the drivers' DVLA Portal check was provided to Members of the Sub-Committee. 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 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 in mitigation. Following a number of questions from Sub-Committee Members, Mr FM left the meeting.

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. Whereupon, in view of the Sub-Committee's concerns that the two convictions for speeding had happened within a very short period and the driver's failure to notify the Licensing Authority of his convictions, it was

#### RESOLVED

that Mr FM 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 the written warning would be retained on file for future reference and would be taken into consideration if any issues emerged in the future.

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.

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

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 the case of Mr PA, an existing Hackney Carriage and Private Hire driver who had been convicted of two driving offences, the latter of which had not been subsequently disclosed to the Council within 7 days.

A copy of the results of the drivers' DVLA Portal check was provided to Members of the Sub-Committee. 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 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 in mitigation.

In reviewing the information within the report, the Sub-Committee agreed to delete Section 2.2 within the report as the date of conviction would not have made it possible for the driver to declare this offence in his renewal application in January 2016. The Sub-Committee also sought clarification over the driver's dates of employment as a licensed driver.

Following a number of questions from Sub-Committee Members, Mr PA left the meeting.

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. Whereupon in recognition of the two convictions for driving offences within a short period of time and his failure to report the second conviction within 7 days, it was

#### RESOLVED

that Mr PA 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 the written warning would be retained on file for future reference and would be taken into consideration if any issues emerged in the future.

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