

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION SUB-COMMITTEE held in Managing Director's Meeting Room, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Monday, 20 March 2017.

PRESENT: Councillor J W Davies – Chairman.
Councillors S J Criswell, Mrs S A Giles and R J West.

1. 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.

2. MEMBERS INTERESTS

No declarations of interests were received.

3. 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 an individual and is subject to an obligation of confidentiality.

4. LICENSING AND PROTECTION SUB COMMITTEE PROCEDURE

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

5. CONVICTIONS GUIDANCE

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

6. 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 FM, an existing Hackney Carriage

and Private Hire driver who, following an incident, had received a conditional discharge, which had not been subsequently disclosed to the Council within seven days.

A copy of the results of the drivers' DVLA Portal check together with correspondence with the Police 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.

The Sub-Committee noted that the offence was committed whilst driving a licensed vehicle, although the incident did not involve a passenger. It was also acknowledged that the driver was not the instigator of the incident, but the Sub-Committee found that his reaction was not acceptable. Although, the driver stated he had reported the incident to the Council, there was no evidence of this. The Sub-Committee accepted that the driver had held a licence since 2009. He previously appeared before the Sub-Committee in April 2013, but this was for plying for hire and no insurance. Whereupon, it was

RESOLVED

that Mr FM 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