

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION SUB-COMMITTEE held in Meeting Room MR0.1A, Ground Floor, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Tuesday, 15 August 2017.

PRESENT: Councillor S J Criswell – Chairman.
Councillors J E Corley, J W Davies and J M Palmer.

40. MINUTES

The Minutes of the meeting of the Sub-Committee held on 28 July 2017 were approved as a correct record and signed by the Chairman.

41. MEMBERS INTERESTS

No declarations were received.

42. 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.

43. LICENSING AND PROTECTION SUB-COMMITTEE PROCEDURE

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

44. CONVICTIONS GUIDANCE

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

45. NEW APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE

(The Applicant was accompanied by Mrs FS, his wife, who wished to offer her support).

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 MS who did not meet the Council's guidelines to hold such a licence owing to a previous motoring offence. Further he had failed to declare this on his application form.

A copy of the applicant's DVLA portal 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) to refuse the application.

The applicant was then given the opportunity to address the Sub-Committee and in doing so took the opportunity to explain why he had failed to declare his previous offence. Following a number of questions from Sub-Committee Members regarding the circumstances surrounding his previous offence and his reason for failing to declare them, Mr SM and Mrs FM then left the meeting to enable the Sub-Committee to make their determination.

The Sub-Committee gave careful consideration of the application, the information within the committee reports and the DVLA portal 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, the District Council's Schedule of Conditions of licence and the legislative and policy provisions. Whereupon it was

RESOLVED

that the application be refused because the applicant is not a fit and proper person to be licensed by the Authority owing to the offence of driving without insurance, which is specifically mentioned in the District Council's policy and that the applicant has not been free of conviction for the last three years.

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

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

The Sub-Committee were reminded that this case had been due to be heard at their meeting on 28th July 2017, however it had been re-scheduled as the driver had been unable to attend. Members were then informed that the driver was unable to attend again.

The Sub-Committee were advised of the Licensing Team's efforts to communicate with Mr MH to ensure his attendance at the hearing. Members heard that the driver had been out of the country since 8th July and was expected to return on 18th August 2017. Owing to the time that had already elapsed, members were of the view that the applicant should be asked to submit a new renewal form and DBS disclosure.

Having expressed their concern that this case had already been brought to two hearings and to continue in this vain would be detrimental to good practice, it was

RESOLVED

that the application be deferred in order that the driver may attend a future meeting and take the opportunity to explain his actions.

Chairman