

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION SUB-COMMITTEE held in Civic Suite 0.1B, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Monday, 16 October 2017.

PRESENT: Councillor S J Criswell – Chairman.

Councillors J E Corley, J W Davies and Mrs A Dickinson.

47. MINUTES

The Minutes of the meeting of the Sub-Committee held on 15th August 2017 were approved as a correct record and signed by the Chairman.

48. MEMBERS INTERESTS

No declarations were received.

49. 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.

50. LICENSING AND PROTECTION SUB-COMMITTEE PROCEDURE

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

51. CONVICTIONS GUIDANCE

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

52. 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 AR who did not meet the Council's guidelines to hold such a licence owing to a previous motoring offences. Further he had failed to declare them on his application form.

A copy of the applicant's DVLA portal check was provided to the Sub-Committee and Members were advised of the options which were available to the Sub Committee, to either allow the application to proceed or 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 offences. Following a number of questions from Sub-Committee Members, clarification was then sought from the Licensing Officer regarding the circumstances surrounding his previous offences and the completion of the application form that had omitted previous employment history, Mr AR then left the meeting to enable the Sub-Committee to make their determination.

The Sub-Committee gave careful consideration to the application, the information within the Sub-Committee report and the DVLA portal check together with the submission made by the applicant. 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 failure of applicant to disclose information when required. The Sub-Committee has not heard anything that would cause them to depart from the Council's guidelines and policies on this occasion.

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

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

Further to Minute No.39 and Minute No.46 of the meetings of the Sub-Committee held on 28th July and 15th August 2017 respectively, 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 MH. Mr MH was an existing Hackney Carriage and Private Hire driver who had received a conviction for a speeding related offence which had been declared on previous applications but not subsequently disclosed to the Council on his renewal application. He had also failed to declare a further caution from 2015 that had been revealed following a Disclosure and Barring Service (DBS) criminal background check. A copy of the results of the drivers' DVLA Portal check and DBS Certificate was provided to the Sub-Committee.

The applicant was then given the opportunity to address the Sub-Committee and in doing so took the opportunity to explain the circumstances of his caution issued in 2015. Following a number of questions from Sub-Committee Members, Mr MH then left the meeting to enable the Sub-Committee to make their determination.

The Sub-Committee gave careful consideration to the application, the information within the Sub-Committee report and the DVLA portal check together with the submissions made by the applicant. 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 licence not be renewed because the applicant is not a fit and proper person to be licensed by the Authority owing to the failure of applicant to disclose information when required and the nature of the caution issued in 2015.

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

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

(The Chairman proposed to admit the following urgent item in accordance with Section 100B (4) (b) of the Local Government Act 1972 given the requirement to determine the application at the earliest opportunity).

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 PT who had failed to renew his application within the prescribed time period. In addition on receipt of the submission of a full application two speeding offences had not been declared.

A copy of the applicant's DVLA portal check was provided to the Sub-Committee and Members were advised of the options which were available to the Sub Committee to either allow the application to proceed or 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 offences. Following a series of questions from Sub-Committee Members regarding the circumstances surrounding his previous offences and completion of the application form that had omitted these offences, Mr PT then left the meeting to enable the Sub-Committee to make their determination.

The Sub-Committee gave careful consideration to the application, the information within the Sub-Committee report and the DVLA portal check together with the submission made by the applicant. 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 for a Hackney Carriage and Private Hire drivers licence be allowed to proceed and the Chairman reminded the applicant of his obligations as a licensed driver to ensure that he remained a fit and proper person to hold a licence, as well as ensuring that he declared all convictions and cautions. He also stressed the importance of completing

required paperwork in a timely manner.

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 for a Hackney Carriage and Private Hire driver's licence from Mr MRK who did not meet the Council's published criteria to hold such a licence owing to his failure to declare DVLA endorsements on his application form.

As the driver was not in attendance, it was

RESOLVED

that consideration of this application be deferred to permit a further opportunity for the applicant to attend.

Chairman