

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION SUB-COMMITTEE held in Meeting Room 0.1A, Ground Floor, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Thursday, 30 November 2017.

PRESENT: Councillor J W Davies – Chairman.

Councillors J E Corley, J W Davies,
J M Palmer and R J West.

64. ELECTION OF CHAIRMAN

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

RESOLVED

that Councillor J W Davies be elected as Chairman of the Licensing and Protection Sub-Committee for the duration of the meeting.

65. MINUTES

The Minutes of the meeting of the Sub-Committee held on 21st November 2017 were approved as a correct record and signed by the Chairman.

66. MEMBERS INTERESTS

No declarations were received.

67. EXCLUSION OF PRESS AND PUBLIC

RESOLVED

that the press and public be excluded from the meeting because the meeting because the business to be transacted contains exempt information relating to individuals and is subject to an obligation of confidentiality.

68. LICENSING AND PROTECTION SUB-COMMITTEE PROCEDURE

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

69. CONVICTIONS GUIDANCE

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

70. 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 MR who had a current motoring conviction which he failed to declare on his application.

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 them, to either allow the application to proceed or to refuse the application.

The applicant was then given the opportunity to address the Sub-Committee. Following a number of questions from the Sub-Committee, Mr MR outlined the circumstances of his motoring conviction and 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 and having accepted the applicant's explanation, it was

RESOLVED

that the application be allowed to proceed.

71. 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 IA who had a previous criminal caution.

A copy of the applicant's Disclosure and Barring Service (DBS) check was provided to the Sub-Committee and Members were advised of the options which were available to them, to either allow the application to proceed or to refuse the application.

The applicant was then given the opportunity to address the Sub-Committee. Following a number of questions from the Sub-Committee, Mr IA outlined the circumstances of his criminal caution and 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 DBS 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 and having agreed that Mr IA's explanations were plausible and he had been open within the application process, it was

RESOLVED

that the application be allowed to proceed.

72. CURRENT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER 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 MH. Mr MH was an existing Hackney Carriage and Private Hire driver who had failed to provide the authority with an up to date Disclosure and Barring Service (DBS) check and his fitness to continue to hold a licence could not be confirmed.

Mr MH failed to attend the hearing and the Sub-Committee were advised of the options which were available to them, to hear the case in the driver's absence or to defer the item to a future meeting. The Sub-Committee made the decision to hear the case in the driver's absence given that Mr MH had received the report and request to attend the hearing, but failed to do so and did not request an adjournment. Members were also advised that Mr MH had returned the photo card from his licence to the office but without any accompanying explanation.

The Sub-Committee were advised of the options which were available to them, to either allow the licence to continue or to revoke the licence.

The Sub-Committee gave careful consideration to the case, the returned photo card and the information within the Sub-Committee report. 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 be revoked immediately because the driver is not a fit and proper person to be licenced by the Authority owing to his disregard of the requirements to provide the DBS check. Also he had provided no evidence or explanation to persuade Members to allow his licence to continue.

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

73. APPLICATION FOR THE RENEWAL OF A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER 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 PH. Mr PH was an existing Hackney Carriage and Private Hire driver who had received several motoring convictions for speeding related offences during the period of the Licence which he failed to declare in contravention of the conditions, and had a conviction which falls within the remit of Council's guidelines relating to the relevance and treatment of convictions. Furthermore his application contained discrepancies with the disclosures revealed in his DVLA portal check.

MR PH failed to attend the hearing and the Sub-Committee were advised of the options which were available to them, to hear the case in the applicant's absence or to defer the item to a future meeting. The Sub-Committee made the decision to hear the case in the applicant's absence given that Mr PH had received the report and request to attend the hearing, but failed to do so and did not request an adjournment.

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 them, to either allow the renewal to proceed or not to renew.

The Sub-Committee gave careful consideration to the application, the information within the Sub-Committee report and the DVLA portal check. 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 accumulation of a number of convictions within a short period of time which demonstrated a pattern of offending. This was supported by his failure to disclose the convictions at the time he received them.

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

Chairman