

## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION SUB-COMMITTEE held in CIVIC SUITE 0.1A, PATHFINDER HOUSE, St MARY'S STREET, HUNTINGDON PE29 3TN on Friday, 23 February 2018.

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

### **93. ELECTION OF CHAIRMAN**

Due to the Chairman being delayed, and 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 until Councillor S Criswell arrived.

### **94. MINUTES**

The Minutes of the meeting of the Sub-Committee held on 29th January 2018 were approved as a correct record and signed by the Chairman.

### **95. MEMBERS INTERESTS**

No declarations were received.

### **96. 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.

### **97. LICENSING AND PROTECTION SUB-COMMITTEE PROCEDURE**

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

### **98. CONVICTIONS GUIDANCE**

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

*(At 10.10 Cllr S Criswell entered the meeting and assumed the Chair).*

**Councillor S J Criswell in the Chair.**

**99. RENEWAL APPLICATION FOR HACKNEY CARRIAGE AND PRIVATE HIRE 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 Mr RA. Mr RA was an existing Hackney Carriage and Private Hire driver who had received motoring convictions for both speeding related and vehicle maintenance offences over a period of time during which he was a licensed driver and which he failed to declare in contravention of the conditions.

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 applicant was then given the opportunity to address the Sub-Committee. Following a number of questions from the Sub-Committee, Mr RA outlined the circumstances of his convictions 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, 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 applicants failed to inform the Authority of his convictions on two occasions in breach of Condition 11. In addition the applicant was also in breach of Paragraph 24 of the guidelines on two separate occasions due to false statements on his renewal applications. The guidelines suggest that the license will normally be refused under such circumstances and the Committee had heard nothing to persuade it to deviate from this policy.

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

**100. CURRENT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

*(The Driver was accompanied by his son Mr AT, who wished to offer his 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 the case of Mr JT. Mr JT was an existing

Hackney Carriage and Private Hire driver who had not provided an up to date Disclosure & Barring Service (DBS) criminal background check.

The driver and Mr AT were then given the opportunity to address the Sub-Committee and in doing so took the opportunity to explain the circumstances surrounding this matter. It was reported that a new DBS has been applied for but not yet received. Whereupon, it was

RESOLVED

that the case be adjourned to 21st March 2018 to allow time for the DBS to be returned.

**101. RENEWAL 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 annex to the Minute Book, the Sub-Group considered an renewal application for a Hackney Carriage and Private Hire driver's licence from Mr MF.

As the driver was not in attendance (he had not arrived by 11.45am) and it had been noted that Appendix B had been omitted from the sub-committee report, it was

RESOLVED

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

Chairman