

## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION SUB-COMMITTEE held in MR0.1A, GROUND FLOOR, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN on Wednesday, 27 June 2018.

PRESENT: Councillor S J Criswell – Chairman.

Councillors J R Clarke, Mrs A Dickinson and Mrs S A Giles.

### 1. MINUTES

The Minutes of the meeting of the Sub-Committee held on 25th April 2018 were approved as a correct record and signed by the Chairman.

### 2. MEMBERS INTERESTS

No declarations 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 individuals 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. RENEWAL APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE

*(The applicant was accompanied by his son Mr RH who wished to offer his support and also provided assisted with translation as required).*

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 a renewal application for a Hackney Carriage and Private Hire Licence from Mr GH who had motoring convictions which he had failed to declare year on year or disclose to the Council within seven days of conviction. Mr GH had previously had two driver licences revoked by other licensing authorities and had been refused a licence by Huntingdonshire District Council in 2012.

The Sub-Committee were informed that the applicant also holds a Private Hire Operating Licence with the Authority. He had also failed to declare any of the convictions on his initial application or any subsequent renewals or disclose to the Council within seven days of conviction.

A copy of the applicant's check undertaken by the Driver and Vehicle Licensing Agency (DVLA) was provided to the Sub-Committee and Members were advised of the options available to them in both cases.

Mr GH was then permitted to address the Sub-Committee and in doing so sought to explain why he had failed to declare his previous motoring convictions together with the reasons he needed to continue to hold his licence. Following a number of detailed questions from the Sub-Committee and the licensing officer he then left the meeting to enable Members to make their determination.

The Sub-Committee gave careful consideration to the application, the information within the committee report, the contents of the DVLA check together with the submission made by the applicant and on his behalf. The Sub-Committee also took into account the District Council's guidelines relating to the relevance and treatment of convictions, the District Councils Schedule of Conditions of licence, the legislative and policy provisions and advice from the District Council's Legal representative.

Whereupon in respect of the application for renewal of the applicant's Hackney Carriage and Private Hire driver's licence, it was

**RESOLVED**

that the application for renewal be refused because Mr GH has consistently failed to comply with his obligations as a licence holder. Such a failure shows a pattern of behaviour that demonstrates to the District Council that he is not a fit and proper person to hold a licence.

Furthermore in respect of the applicant's existing Private Hire Operator's Licence, it was

**RESOLVED**

that the licence be revoked because Mr GH has consistently failed to comply with his obligations as an operator. Such a failure shows a pattern of behaviour that demonstrates to the District Council that he is not a fit and proper person to hold a licence.

Mr GH was advised of his right of appeal to the Magistrates Court in both cases within 21 days.

## **7. 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 the annex to the Minute Book) the Sub Committee considered a renewal application for a Hackney Carriage and Private Hire Licence from Mr NM who has an undeclared

motoring convictions. Mr NM had appeared before members of the Sub-Committee on a previous occasion for failing to declare the same conviction.

A copy of the applicant's check undertaken by the Driver and Vehicle Licensing Agency (DVLA) was provided to the Sub-Committee and Members were advised of the options available to them in respect of the renewal application.

Mr NM was then permitted to address the Sub-Committee and in doing so outlined the reasons as to why he had failed to declare his previous offence. Following a number of questions from the Sub-Committee he then left the meeting to enable Members to make their determination.

The Sub Committee gave careful consideration to the application, the information with the committee report, the contents of the DVLA check together with the submission made by the applicant. The Sub-Committee also took into account the District 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 and advice from the District Council's legal representative. Whereupon and having accepted the applicant's explanations it was

RESOLVED

that the renewal application for a Hackney Carriage and Private Hire Drivers Licence be granted.

## **8. 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 the annex to the Minute Book) the Sub Committee considered a renewal application for a Hackney Carriage and Private Hire Licence from Mr AY who has undeclared motoring convictions. He had failed to declare any convictions on his applications for renewal in 2016, 2017 and 2018 and had also failed to notify the Authority of these convictions within the required 7 days.

A copy of the applicant's check undertaken by the Driver and Vehicle Licensing Agency (DVLA) was provided to the Sub-Committee and Members were advised of the options available to them in respect of the renewal application.

Mr AY was then permitted to address the Sub-Committee and in doing so sought to explain the reasons for failing to declare his previous offences. Following a number of questions from the Sub-Committee he then left the meeting to enable Members to make their determination.

The Sub Committee gave careful consideration to the application, the information with the committee report, the contents of the DVLA check together with the submission made by the applicant. The Sub-Committee also took into account the District 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 and advice from the District Council's legal

representative. Whereupon, it was

RESOLVED

that the licence be refused because the applicant has consistently failed to comply with his obligations as a licence holder. Such failures show a pattern of behaviour that demonstrates to the Authority that he is not a fit and proper person.

Mr AY was advised of his right of appeal to the Magistrates Court within 21 days.

**9. CONSIDERATION OF COMPLAINT : FITNESS TO CONTINUE TO HOLD A HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE**

*(The Licence Holder was accompanied by Mr NR who provided assistance with translation as required).*

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 ZI. Mr ZI was an existing Hackney Carriage and Private Hire Driver who was the subject of a complaint to the Authority by a member of the public.

Following the presentation of the report by the Licensing Officer, Mr ZI was given the opportunity to address the Sub-Committee. In doing so he provided his account of the alleged incident and then responded to questions from members of the sub-committee / licensing officer concerning the complaint and his responses to it. The complainant was not in attendance as he was unwilling to attend.

Mr ZI then left the meeting to enable the Sub-Committee to make their determination.

The Sub-Committee gave careful consideration to the complaint and the information within the Sub-Committee report together with the verbal submissions made Mr ZI and on his behalf. The Sub-Committee also took into account the District Council's Schedule of Conditions of licence and the legislative and policy provisions. Whereupon and in the interests of protecting other road users, it was

RESOLVED

that Mr ZI be issued with a written warning emphasising the need to be mindful of all other road users in all situations.

Mr ZI was advised of his right of appeal to the Magistrates Court within 21 days.

Chairman