

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION SUB-COMMITTEE held in MANAGING DIRECTOR'S MEETING ROOM, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN on Wednesday, 25 July 2018.

PRESENT: Councillor S J Criswell – Chairman.
Councillors J R Clarke, S J Corney and Mrs P A Jordan.

IN ATTENDANCE: Councillor B S Banks and P E Shrapnel.

20. MINUTES

The Minutes of the meeting held on 11th July 2018 were approved as a correct record and signed by the Chairman.

21. MEMBERS INTERESTS

No declarations were received.

22. 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.

23. LICENSING AND PROTECTION SUB-COMMITTEE PROCEDURE

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

24. CONVICTIONS GUIDANCE

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

25. COMPLAINT ABOUT A HACKNEY CARRIAGE / PRIVATE HIRE DRIVER LICENCE HOLDER

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 MA. Mr MA was an existing Hackney Carriage and Private Hire Driver who was the subject of a complaint to the Authority.

Following the presentation of the report by the Licensing Officer, Mr MA was given the opportunity to address the Sub-Committee. He provided his account of the alleged incident and then responded to

questions from Members of the Sub-Committee.

The Chairman then invited the complainants who were in attendance at the meeting to address the Sub-Committee. In doing so they drew attention to a number of key points within their witness statements and then responded to questions from Members of the Sub-Committee and the Licensing Officer.

Having had an opportunity to make any final remarks to the Sub-Committee, Mr MA and the complainants 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 and written submissions made by the complainants and Mr MA. The Sub-Committee also took into account the District Council's Schedule of Conditions of Licence, the legislative and policy provisions, statutory guidance and advice from their legal representative.

Whereupon and having accepted the explanation provided by the complainants and agreed that the behaviour of the driver was unacceptable on this occasion, it was

RESOLVED

that the driver be given a written warning emphasising that there is no additional charge to be made for guide dogs.

26. 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 Licence from Mr JG who had declared a previous caution on his application.

Given that this was the second occasion that the applicant had failed to attend, the Sub-Committee made the decision to hear the case in the applicant's absence. A copy of the applicant's checks undertaken by the Disclosure and Barring Service (DBS) and the Driver and Vehicle Licensing Agency (DVLA) were then provided to Sub-Committee members.

The Sub-Committee gave careful consideration to the case, the information within the Sub-Committee report and the contents of the applicant's checks undertaken by the Disclosure and Barring Service. 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, statutory guidance, the legislative and policy provisions and advice from the legal representative. Whereupon and having not been provided with anything to encourage members to depart from policy guidelines on this occasion, it was

RESOLVED

that the application for a Hackney Carriage and Private Hire Driver's Licence be refused.

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

Chairman