

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 Wednesday, 11 July 2018.

PRESENT: Councillors J R Clarke, Mrs A Dickinson, Mrs P A Jordan and D J Mead.

IN ATTENDANCE: Councillor S Corney

10. ELECTION OF CHAIRMAN

In accordance with procedure for meetings of the Licensing and Protection Sub-Committee, it was

RESOLVED

that Councillor J Clarke be elected Chairman for the meeting.

11. MINUTES

The Minutes of the meeting held on 27th June 2018 were approved as a correct record and signed by the Chairman.

12. MEMBERS INTERESTS

No declarations were received.

13. 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.

14. LICENSING AND PROTECTION SUB-COMMITTEE PROCEDURE

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

15. CONVICTIONS GUIDANCE

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

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

(The Licence Holder was accompanied by Mr MA, representative of his Operator, 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 IK. Mr IK 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, the Sub-Committee also viewed a video that the complainant recorded of the driver that specifically related to the complaint that had been submitted.

Mr IK was then given the opportunity to address the Sub-Committee. In doing so he responded to the Licensing Officer's report and the complainant's statement following clarification provided by Mr MA. Mr IK further provided his account of the alleged incident and then responded to questions from Members of the Sub-Committee, Legal representative and Licensing Officer concerning the complaint and his responses to it. A copy of the applicant's check undertaken by the Driver and Vehicle Licensing Agency (DVLA) was also provided to the Sub-Committee.

Mr IK 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 by Mr IK and on his behalf. The Sub-Committee also took into account the District Council's Schedule of Conditions of licence, the legislative and policy provisions and advice from their Legal representative.

Whereupon having concluded that Mr IK had breached his licence conditions, specifically the overriding objective of the protection of the travelling public during the incident, it was

RESOLVED

that Mr IK's Licence be suspended for a period of 6 months.

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

17. 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 SH who had an undeclared conviction and reprimand.

Copy of the applicant's checks undertaken by the Disclosure and Barring Service (DBS) were provided to the Sub-Committee and Members were advised of the options available to them in respect of the application.

Mr SH was then permitted to address the Sub-Committee and in so

doing took the opportunity to explain why he had failed to declare his previous convictions by reference to a previous application that had been submitted and acknowledged his mistake. He also responded to a series of questions from the Sub-Committee concerning the process of completion of the application form and his comprehension of the form.

The Sub-Committee gave careful consideration to the application, the information within the Sub-Committee report, the contents of the DBS 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, the legislative and policy provisions and advice from the District Council's legal representative.

Whilst acknowledging the failure to properly record offences was a serious matter, Members were mindful that the convictions dated from 2002 and 2003 and therefore had no relevance under the District Council's Policy. Whereupon, it was

RESOLVED

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

In concluding the deliberations on this matter, the Chairman reminded Mr SH of his requirements to declare all of his convictions on the annual renewal of his application going forward.

18. 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 form.

As the applicant was not in attendance, the Sub-Committee

RESOLVED

that consideration of this application for a Hackney Carriage and Private Hire Drivers Licence be deferred to the meeting on 25th July 2018 to permit a further opportunity for the applicant to attend.

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

Pursuant to Minute No. 139/17 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 an application for a Hackney Carriage and Private Hire Licence from Mr ML who had previous motoring offences.

Mr ML had not been available to attend the hearing and Members

were informed that this was the third occasion on which he had failed to attend. The applicant had advocated that the application be considered in his absence and the Sub-Committee therefore agreed to hear the case in the applicant's absence.

The Sub-Committee gave careful consideration to the case, the information within the Sub-Committee report, the written submission made by the applicant and a copy of the applicant's check undertaken by the Driver and Vehicle Licensing Agency (DVLA). 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 owing to the serious nature of the offence and inconsistencies with regard to the explanations provided in the applicant's written submission, it was

RESOLVED

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

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

Chairman