

LICENSING SUB-COMMITTEE
5 NOVEMBER 2020 (11.10AM)

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held as a remote attendance meeting on Thursday, 5 November 2020

Present: Councillor Tony Sharps (Chairman)

Councillors: Adele Davies-Cooke and Ralph Small

Officers of Flintshire County Council:

Licensing Team Leader (Gemma Potter), Democratic Services Team Leader (Nicola Gittins) and Democratic Services Officer (Sharon Thomas)

Legal Officers

Solicitor (Tim Dillon)

Trainee Solicitor (Elen Williams) observing

Applicant

1. APOLOGIES

None.

2. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None.

3. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting for the following item as this was considered to contain exempt information by virtue of paragraphs 12 and 13 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

4. HEARING AND DETERMINATION OF THE APPLICATION

The Chairman welcomed the applicant and introduced the panel members. He explained the procedure for the hearing including how the application would be determined.

5. APPLICATION FOR A PRIVATE HIRE/HACKNEY CARRIAGE (JOINT) DRIVER LICENCE

The Licensing Team Leader presented the report to consider and determine an application for a Private Hire/Hackney Carriage (Joint) Driver Licence. She drew attention to the relevant sections of the Council's adopted guidance on the treatment of convictions, cautions and other recorded sanctions.

In response to questions from the panel, the applicant provided background information on the circumstances surrounding his convictions and drew attention to the period of time which had lapsed since the earliest offence. He regretted all the offences and acknowledged the poor decisions he had made at that time. He went on to say that he considered himself to be a fit and proper person to hold a licence and that he had no further issues with the Police.

The Licensing Team Leader advised that since production of the report, the applicant had informed the authority immediately of a further potential speeding offence. The applicant had stopped to check with the Police at the time of the incident but he had not yet received notification of a fine.

In response to questions from the Solicitor, the applicant said that his failure to disclose the earliest conviction was not intentional as he had not realised that it would form part of his Disclosure and Barring Service (DBS) certificate. On the second conviction, he detailed the circumstances and his state of mind at the time which he said had led to a "moment of madness". Although he had disputed the outcome of the conviction at the time, he had followed legal advice and had been shocked at the sentence imposed. He explained that his employer had been fully supportive of his explanation to the extent that he had kept his job.

When asked by the Chairman if he wished to make further representations, the applicant recognised that two bad decisions over many years had cost him dearly. He was a regular driver and considered himself to be reliable and honest, and did not pose any risk to the public whom he would serve if the application was granted.

When the Chairman was satisfied that all relevant questions had been raised, he asked that the applicant and the Licensing Team Leader leave the meeting to enable the panel to reach a decision.

5.1 Determination of the Application

In determining the application, the panel considered all the written and verbal representations together with the Council's Guidance on the Treatment of Convictions, Cautions, Criminal Charges or other recorded sanctions including paragraphs 2.2, 4.1, 4.3, 4.9, 4.11 and 4.12.

In reviewing the applicant's previous convictions, the panel considered his detailed explanations and regret at his actions, and also his honesty in immediately reporting the recent potential speeding offence. As such, the panel felt that - on balance - he was a fit and proper person to hold a Private Hire/Hackney Carriage (Joint) Driver Licence. However, in taking into account the latter offence, the panel had some concerns and decided it was appropriate and proportionate to grant the licence for a period of 12 months.

The Licensing Team Leader and applicant were invited to return so that the meeting could be reconvened.

5.2 Decision

The Chairman advised that, having considered the representations made as well as the Council's Guidance on the Treatment of Convictions, Cautions, Criminal Charges or other recorded sanctions, the panel agreed that the applicant could be granted a Private Hire/ Hackney Carriage Driver Licence for 12 months at which point he would be subject to a further DBS check (at his own expense) and could apply for a three year licence if he wished.

RESOLVED:

That the applicant is, on the balance of probabilities, a fit and proper person to hold a Private Hire/Hackney Carriage Driver's Licence under the Local Government (Miscellaneous Provisions) Act 1976 and that he be granted to have such a Licence for 12 months.

On the expiry of this Licence, the applicant is at liberty to apply for a three year Licence and would be subject to a further DBS check (for the avoidance of doubt at his own expense). All associated costs including said checks to be borne by the applicant.

(The meeting started at 11.10am and ended at 12.40pm)

.....
Chairman