

LICENSING SUB-COMMITTEE
15 FEBRUARY 2013

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held at Clwyd Committee Room, County Hall, Mold CH7 6NA on Friday, 15 February 2013

PRESENT: **Councillor Tony Sharps (Chairman)**
Councillors David Cox and Jim Falshaw

OFFICERS OF FLINTSHIRE COUNTY COUNCIL: Democracy and Governance Manager, Licensing Officer and Committee Officer.

1. **APOLOGIES**

None were received.

2. **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

None were received.

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

RESOLVED:

That the press and public be excluded from the meeting for the following item as it is considered to contain exempt information by virtue of paragraphs 12 and 13 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

4. **CONDUCT AND CONVICTIONS OF A PRIVATE HIRE/HACKNEY CARRIAGE (JOINT) DRIVER**

The Chairman welcomed the applicant, introduced the Members of the Sub Committee, and explained the procedure for the hearing.

The Sub Committee considered the report of the Director of Environment concerning the recent conviction of a Private Hire/Hackney Carriage (Joint) Driver. The Sub Committee were requested to determine whether he was a fit and proper person to continue to hold such a licence following a recent conviction.

The Chairman referred to the applicant's recent conviction for criminal damage and invited him to outline the circumstances which had given rise to the offence. The applicant explained the background and personal circumstances that had led to the damage to a window.

The Chairman invited members of the Panel to ask questions. The applicant responded to the queries raised by Members and confirmed that he understood his responsibilities as a private hire/hackney carriage driver. He had received no complaints about how he conducted himself in his work or with the general public.

When the Chairman was satisfied that the Panel had asked the applicant and the Senior Licensing Officer all relevant questions he asked the applicant and the Officer to leave the meeting whilst the Sub Committee made their decision.

5. DETERMINATION OF THE APPLICATION

The Sub-Committee considered the application including both written and oral representations made by the applicant and the Licensing Authority. They considered whether the applicant, in light of the recent conviction was a fit and proper person to continue to hold a Private Hire/Hackney Carriage (Joint) driver's licence. The Sub-Committee also considered whether the applicant provided a credible account of the facts and reasons behind the recent offence committed.

The Sub-Committee agreed that on the balance of probabilities, the applicant was a fit and proper person within the meaning of the Local Government (Miscellaneous Provisions) Act 1976 to continue to hold such a licence.

6. DECISION

The Senior Licensing Officer and the applicant were invited to return to the meeting.

The Chairman advised the applicant that based on the evidence he had given concerning the personal circumstances behind the incident and that he had informed the Authority promptly of his arrest for an offence, the Sub-Committee had decided that he was a fit and proper person within the meaning of the Local Government (Miscellaneous Provisions) Act 1976 to continue to hold a Private Hire/Hackney Carriage (Joint) Driver Licence.

RESOLVED:

That in light of the evidence produced both in written form and orally at the meeting, the Sub Committee agreed that the applicant was a fit and proper person to continue as a Private Hire Driver licensed by Flintshire County Council.

(The meeting started at 4.00 pm and ended at 4.25 pm)

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Chairman