

LICENSING SUB-COMMITTEE

12 APRIL 2013

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held at Delyn Committee Room, County Hall, Mold CH7 6NA on Friday, 12 April 2013

PRESENT: Councillor Tony Sharps (Chairman)

Councillors David Cox and Jim Falshaw

OFFICERS OF FLINTSHIRE COUNTY COUNCIL:

Solicitor (Mr. T. Dillon), 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. APPLICATION FOR A PRIVATE HIRE / HACKNEY CARRIAGE (JOINT) DRIVER LICENCE

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

The Licensing Officer introduced a report, the purpose of which was for Members to determine an application for a Private Hire/Hackney Carriage (Joint) Driver's Licence. The report detailed the contents of the application (Appendix A) and provided full details of all relevant convictions (Appendix B). The applicant was asked to submit a written explanation of the convictions which was provided (Appendix C).

The Sub Committee considered the report of the Director of Environment and was requested to determine whether the applicant was a fit and proper

person to be granted a Joint Driver Licence due to the nature and frequency of the convictions.

The Chairman referred to the applicant's convictions and invited him to outline the circumstances which had given rise to the offences. The applicant explained the background and personal circumstances that had led to each conviction and said that he regretted his actions which in part had been committed during his youth.

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 and how he should conduct himself in his work and with the general public. The applicant also outlined his current family situation, employment history, and future job prospects.

Mr. T. Dillon questioned the applicant in further detail concerning the circumstances around his last conviction and asked him to explain the reason for his subsequent actions.

The Chairman asked the applicant if he had any further information to relate to the Panel in support of his application. 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 his convictions, was a fit and proper person 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 offences 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 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 written and oral evidence he had given on the circumstances behind the offences, and that he understood his responsibilities as a private hire/hackney carriage driver, the Sub-Committee had decided that he was a fit and proper person within the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and agreed to grant the application for 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 to grant the application for a Private Hire/Hackney Carriage (Joint) Driver Licence.

(The meeting started at 10.00 am and ended at 10.30 am)

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Chairman