

**LICENSING SUB-COMMITTEE**  
**30 SEPTEMBER 2013**

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held in the Clwyd Committee Room, County Hall, Mold CH7 6NA on Monday, 30 September 2013

**PRESENT:**

Councillors David Cox (Vice-Chair, in the Chair), Jim Falshaw and Ian Dunbar

**OFFICERS OF FLINTSHIRE COUNTY COUNCIL:**

Solicitor (Mr. T. Dillon), Senior Licensing Officer and Team Manager, Committee Services

**1. APOLOGIES**

Councillor Tony Sharps.

**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**

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

The Senior Licensing Officer introduced the report, the purpose of which was for Members to consider the recent conviction of a Private Hire / Hackney Carriage (Joint) Driver, and to determine whether they were a fit and proper person to continue to hold such a licence.

A full history of the driver was provided by the Senior Licensing Officer including previous probationary periods and offences, full details of which were contained in the report and the appendices. A written explanation from the driver on the recent offence was also appended to the report.

The Senior Licensing Officer referred to paragraphs 4.18 and 4.22 of the Council's Guidance on the Treatment of Convictions, Cautions, Criminal Charges

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or other recorded sanctions, which in particular related to violence and dishonesty.

The Chairman invited members of the Sub-Committee to ask questions to which the applicant responded. The applicant provided a letter from a local taxi firm who had offered him employment pending the outcome of the meeting.

Mr. T. Dillon questioned the applicant in further detail concerning his aggression and the management of it and previous instances of violence.

When the Chairman was satisfied that the Sub-Committee 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.

Following careful consideration of all of the information and evidence provided, the Sub-Committee were of the view the applicant was not a fit and proper person to continue as a Private Hire Driver licensed by Flintshire County Council.

## **6. DECISION**

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

The Chairman advised the applicant that, in consideration of the written and oral evidence and representations made, the Sub-Committee had decided he was not deemed a fit and proper person within the meaning of the Local Government (Miscellaneous Provisions) Act 1976 to continue as a Private Hire Driver. As a result the licence would be revoked.

The Sub-Committee considered that they had an overriding duty to protect the public. The Sub-Committee, based on the written and oral evidence and representations made had concerns that the applicant could be aggressive and had trouble managing this aggression. They were of the view, due to the recent conviction and the one in January, that he had a propensity to be violent. The Sub-Committee also had concerns about his lack of regard for probationary periods.

The Sub-Committee also considered Flintshire County Council's Policy for Hackney Carriage and Private Hire Drivers' Licence Applications and in particular the consideration and application of 4.18 in respect of violence and 4.22 in respect of repeat offending.

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**RESOLVED:**

That in light of the evidence produced both in written form and orally at the meeting, the Sub-Committee revoked the licence under Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976.

(The meeting started at 10.00 am and ended at 10.45 am)

<b>Approved</b>		<b>Date</b>
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