

**LICENSING SUB-COMMITTEE**  
**12 MAY 2014**

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, 12 May 2014

**PRESENT:**     **Councillor Tony Sharps (Chairman)**  
Councillors Glyn Banks and Mike Reece

**OFFICERS OF FLINTSHIRE COUNTY COUNCIL:**  
Solicitor (Mr T. Dillon), Senior Licensing Officer and Team Manager, Committee Services

**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 items as they were considered to contain exempt information by virtue of paragraphs 12, 13 and 14 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

**4.     CONSIDERATION OF A PRIVATE HIRE/HACKNEY CARRIAGE (JOINT) DRIVER'S LICENCE**

The Senior Licensing Officer explained that the licensed driver had contacted the department to advise that he would not be attending the meeting. He was informed that the meeting would take place in his absence and he would be informed of the decision.

The report, which was introduced by the Senior Licensing Officer, provided details of the behaviour of a driver licensed by Flintshire County Council for Members to determine if he was a fit and proper person to continue to hold a licence, thereby endorsing or otherwise the officer decision to revoke the driver's licence.

Also provided was a summary of a recent incident involving the licensed driver.

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On the recent incident, Councillor Banks asked if those details could be taken into account as the matters were currently sub judice. The Senior Licensing Officer explained that they could be and she also drew Members attention to the appendices of the report which provided details of other issues relating to the driver. Regardless of the most recent incident, the report would have been presented to the Sub-Committee because of the number of complaints made against him which were detailed in the appendices.

The Solicitor explained that Members needed to determine if, on the balance of probability, the driver was a fit and proper person to continue to hold a licence.

### **DETERMINATION OF THE RECOMMENDATION**

The Sub-Committee considered the report and the details provided verbally at the meeting.

Following careful consideration of all of the information and evidence provided, the Sub-Committee were all of the view that, on the balance of probability, the driver was not a fit and proper person to continue to hold a private hire/hackney carriage (joint) driver's licence.

### **DECISION**

The Senior Licensing Officer was invited to return to the meeting.

The Chairman advised that, in consideration of the written and oral evidence, the Sub-Committee were of the view that, on the balance of probability, the driver was not a fit and proper person to continue to hold a private hire/hackney carriage (joint) driver's licence and that the revocation of his licence be endorsed. The Sub-Committee had a paramount duty to protect the public and that was reflected in the decision.

### **RESOLVED:**

That the revocation of the driver's licence be endorsed.

## **5. APPLICATION FOR A PRIVATE HIRE VEHICLE LICENCE - SPECIAL EVENT VEHICLE**

Prior to introducing the report, the Senior Licensing Officer explained that she had the following additional paperwork for Members' information which had been received since despatch of the agenda and the Chairman said there would be a 10 minute adjournment for Members to read the paperwork:

- Risk Assessment
- Driver Health Requirements Form
- MOT Test Certificate
- Number Plate Authorisation Certificate
- Invoice of Freight Forwarding

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- Sale Invoice
- Vehicle Noise Emission Control Information

In addition for Members to read was the Special Event Vehicles Licensed as Private Hire Vehicles – Conditions of Licence, which had been omitted from the paperwork.

Following the adjournment, the Chairman welcomed back the Senior Licensing Officer, who was accompanied by the applicant, to the meeting and explained the procedure.

The Senior Licensing Officer introduced the report which sought determination of an application for a Private Hire Vehicle Licence for a special event vehicle which would require exemption from some of the Private Hire Vehicle Specifications as detailed in Appendix C to the report.

Where there was a direct contradiction between the Private Hire Vehicle Specifications and the Special Event Vehicles Licensed as Private Hire Vehicles – Conditions of Licence, the latter would take precedent.

Since completion of the report, the Senior Licensing Officer had received information from the DVLA and asked the following questions of the applicant for clarification:

1. Had the DVLA been supplied with a copy of the importation document? Yes they had.
2. Was there still potential to carry a load? Yes but it was his intention to weld a bar underneath the stainless steel plate to prevent towing and replace the stainless steel bar over the welding
3. Were the seat belts lawful? Yes they were, both the 3 point belts and the lap belts

The Chairman asked where the vehicle was stored and the applicant explained that it was mainly kept at Deeside Trucks except from when it was being cleaned when it was then kept at the side of his property.

Following a question from Councillor Banks, the applicant explained where the access and egress points were, including the emergency exists. He also confirmed it was not his intention, at the moment, to provide alcohol. However, the Senior Licensing Officer said if passengers provided their own alcohol then this was not licensable.

The Sub-Committee left the meeting to view the vehicle which was in the Council’s car park.

On returning to the meeting, the Senior Licensing Officer advised that the front passenger seat would need to be removed if a licence was granted as the limit was for 8 seats.

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The Senior Licensing Officer and the applicant left the meeting for Members to consider the application.

### **DETERMINATION OF THE RECOMMENDATION**

The Sub-Committee considered the report, the details provided verbally at the meeting and the viewing of the vehicle.

Following careful consideration of all of the information and evidence provided, the Sub-Committee felt it was appropriate to grant a Private Hire Vehicle Licence for the vehicle as a special event vehicle, which would require exemption from some of the Private Hire Vehicle Specifications to become licensed. They agreed four conditions and an advisory note for the applicant.

### **DECISION**

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

The Chairman advised that, in consideration of the written and oral evidence, and following the viewing of the vehicle, the Sub-Committee felt it was appropriate to grant a Private Hire Licence for the vehicle as a special event vehicle, which would require exemption from some of the Private Hire Vehicle Specifications to become licensed, with the following conditions being placed on the licence:

1. That the towing unit be disabled
2. That signage be put in the vehicle to assist passengers with the emergency exists
3. That the champagne holders be modified
4. That the front passenger seat be removed when it was being used for private hire use of special events

In addition, the Chairman added an advisory note to the applicant for him to assist when unloading passengers as the vehicle was left hand drive which meant it was more likely that the door would open onto the road.

### **RESOLVED:**

That a Private Hire Vehicle Licence be granted for the vehicle, which would require exemption from some of the Private Hire Vehicle Specifications, and that the following conditions be applied:

1. That the towing unit be disabled
2. That signage be put in the vehicle to assist passengers with the emergency exists
3. That the champagne holders be modified
4. That the front passenger seat be removed when it was being used for private hire use of special events

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(The meeting started at 10.00 am and ended at 11.50 am)

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