

LICENSING SUB-COMMITTEE
20 OCTOBER 2014

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held at County Hall, Mold on Monday 20 October 2014

PRESENT: Councillor Tony Sharps (Chairman)

Councillors: David Cox and Brian Lloyd

OFFICERS OF FLINTSHIRE COUNTY COUNCIL:

Solicitor, Team Leader, Licensing and Team Manager, Committee Services

1. APOLOGIES

None.

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 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. FAILURE TO COMPLY WITH THE DECISION OF A LICENSING SUB COMMITTEE

The Chairman welcomed the applicant, introduced the members of the Sub-Committee and explained the procedure of the meeting. He also explained that legal advice had been sought following the allegation made by the applicant following the last meeting of the Sub-Committee that he was known by the Chairman. The legal advice was that there was no compromise of impartiality. The Chairman also added that contrary to his claim, he did not know the applicant.

The Team Leader, Licensing introduced the report to consider whether a Private Hire / Hackney Carriage (Joint) Driver licensed by the Authority remained a fit and proper person to hold such a licence following the failure of the applicant to comply with the decision of a previous Licensing Sub-Committee.

The report provided details of the previous Licensing Sub-Committee with all of the documents from that meeting appended to the report. The Team Leader, Licensing, explained that the applicant had not complied with resolution (b) of that Sub-Committee *“that the applicant undertake and complete, satisfactorily, training determined by the Licensing Authority on Anger*

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Management, at his own expense, with evidence of satisfactory completion produced to the Licensing Authority within six months thereof".

The Team Leader, Licensing had contacted the applicant on a number of occasions during his six month probationary period to request that he undertake the anger management course to no avail.

The Chairman invited the applicant to make representations and to provide responses to the questions that had been asked by the Sub-Committee, Solicitor and Team Leader, Licensing.

The applicant advised that he had contacted the recommended company as advised by the Licensing Section and had undertaken the triage assessment which had to be completed before you could be accepted onto a course. The results of that assessment were detailed in the appendix to the report and stated that the applicant "*clearly demonstrated the lack of need for our service at this time*" following his score on the questionnaire being 0, with the uppermost limit for their service, out of 19, being a score of 10.

When the Chairman was satisfied that all relevant questions had been asked and answered, he requested that the Team Leader, Licensing and the applicant leave the room whilst the Sub-Committee reached a decision.

DETERMINATION OF THE APPLICATION

Following consideration of the report, including both written and verbal representations made by the applicant and the Licensing Authority, the Sub-Committee was of the view that the letter from the company who ran the anger management courses confirmed that the applicant did not have a need to be referred onto a course.

The Team Leader, Licensing and the applicant were invited back into the meeting.

DECISION

The Chairman explained that the Sub-Committee had heard all of the representations made, including the letter from the company who ran the anger management courses that confirmed the applicant had undertaken a telephone assessment for referral to a course for anger management.

The Sub-Committee noted that the company had, further to the telephone assessment, confirmed that the applicant did not need to be referred to an actual training course.

The Sub-Committee thought it was perhaps extraordinary that the applicant could not remember any of the questions of the telephone assessment. However, the Sub-Committee were of the view that their written confirmation might just be enough to show that the applicant was a fit and proper person to

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continue to hold a Private Hire / Hackney Carriage (Joint) Driver's Licence on the balance of probability.

RESOLVED:

That the applicant was, on the balance of probability, a fit and proper person to continue to hold a Private Hire / Hackney Carriage (Joint) Driver's Licence.

(The meeting started at 10.00 am and ended at 11.40 am)

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