

LICENSING SUB-COMMITTEE
5 JUNE 2017

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held in the Clwyd Committee Room, County Hall, Mold at 2pm on Monday, 5 June 2017

PRESENT: Councillor Tony Sharps (Chairman)

Councillors: David Cox and Mike Reece

OFFICERS OF FLINTSHIRE COUNTY COUNCIL:

Licensing Team Leader (Gemma Potter), Solicitor (Tim Dillon) and Committee Officer (Sharon Thomas)

Applicant

1. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Councillor Reece declared a personal interest on Agenda Item 3 as he recognised the applicant from some years before, although he had never known him personally. The Licensing Team Leader advised that the names of the panel members had been shared with the applicant prior to the meeting and that no issues had been raised.

2. 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 and 13 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

3. HEARING AND DETERMINATION OF THE APPLICATION

The Chairman welcomed the applicant and his representative. He introduced the panel members and explained the procedure for the hearing, including how the application would be determined.

4. APPLICATION FOR A PRIVATE HIRE / HACKNEY CARRIAGE (JOINT) DRIVER LICENCE

The Licensing Team Leader presented the report to consider an application for a Private Hire/Hackney Carriage (Joint) Driver Licence.

The Chairman invited the applicant to make representations and to give a full explanation of his previous convictions detailed on the Disclosure and Barring Service (DBS) criminal records disclosure.

Approved		Date
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The applicant referred to his written representations which had been included on the agenda and shared background information on the convictions. He responded to questions raised by the panel and took the opportunity to circulate supporting evidence.

In response to questions from the panel, the applicant provided clarification on various aspects of his convictions and also on his employment background.

The Solicitor sought clarification on why the applicant had failed to disclose all of his convictions on the licence application form which had only mentioned one, as the form specifically requested particulars of any offences. The applicant spoke of his regret at the offences which had dated back some years. He had assumed that these were spent and acknowledged that he had not been truthful in omitting them from the application in his pursuit of employment. The applicant also provided clarification on the circumstances involved in some of his convictions. When asked, he replied that he regarded himself as a fit and proper person to hold a licence despite the omission of previous convictions on his application form. In support of this, he referred to his employment background as a driver, adding that he had been free of convictions for several years.

Following further questions from the panel, the Licensing Team Leader explained the different licensing regimes involved in respect of different vehicle sizes.

A representative of a taxi company, who had accompanied the applicant to the meeting, was asked if they considered the applicant to be a fit and proper person to hold a licence and they replied that they believed this to be the case.

When the Chairman was satisfied that all relevant questions had been raised, he requested that the applicant, his representative and the Licensing Team Leader leave the meeting whilst the panel reached a decision.

4.1 Determination of the Application

In determining the application, the panel considered the Council's guidance on the treatment of convictions which was appended to the report. During consideration, concerns were expressed about the honesty of the applicant as he had failed to disclose all his convictions. However, the panel considered the circumstances involved in each case and the length of time since the last conviction, and felt that the applicant was a fit and proper person to hold a Private Hire/Hackney Carriage (Joint) Drivers Licence.

The Licensing Team Leader and the applicant were invited to return so that the meeting could be reconvened.

Approved		Date
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4.2 Decision

The Chairman advised that the panel had reservations about the integrity of the applicant due to his failure to declare all past convictions. Having considered the representations made by all parties, they agreed to grant the application.

RESOLVED:

That the applicant was a fit and proper person to hold a Private Hire/ Hackney Carriage Driver's Licence under the Local Government (Miscellaneous Provisions) Act 1976 and that the Licence be granted.

(The meeting started at 2pm and ended at 3.02pm)

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LICENSING SUB-COMMITTEE
5 JUNE 2017

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held in the Clwyd Committee Room, County Hall, Mold at 3pm on Monday, 5 June 2017

PRESENT: Councillor Tony Sharps (Chairman)

Councillors: David Cox and Mike Reece

OFFICERS OF FLINTSHIRE COUNTY COUNCIL:

Licensing Team Leader (Gemma Potter), Solicitor (Tim Dillon) and Committee Officer (Sharon Thomas)

Applicant

1. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None.

2. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF 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 and 13 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

3. HEARING AND DETERMINATION OF THE APPLICATION

The Chairman welcomed the applicant and introduced the panel members. He explained the procedure for the hearing, including how the application would be determined.

4. APPLICATION FOR A PRIVATE HIRE/HACKNEY CARRIAGE (JOINT) DRIVER LICENCE

The Licensing Team Leader presented the report to consider an application for a Private Hire/Hackney Carriage (Joint) Driver Licence.

The Chairman invited the applicant to make representations and questioned why he had failed to disclose any convictions on Section 5 of the licence application form given that details of previous convictions had been obtained by the Authority via a Disclosure and Barring Service (DBS) criminal records disclosure.

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Whilst explaining that he had wrongly interpreted the question to reflect any motoring convictions, the applicant stressed that he had nothing to hide. In response to queries from the panel, he provided explanation on the circumstances surrounding his convictions which had taken place some years before and clarified a range of issues relating to these in response to questions from the Solicitor. When asked, the applicant declared himself to be a fit and proper person to hold a licence, citing his eagerness to work in support of this.

When the Chairman was satisfied that all relevant questions had been raised, he requested that the applicant and the Licensing Team Leader leave the meeting whilst the panel reached a decision.

4.1 Determination of the Application

In determining the application, the panel considered the Council's guidance on the treatment of convictions which was appended to the report. Although the panel had concerns about the applicant's failure to declare his previous convictions, they gave due regard to the circumstances of those convictions and the length of time since they had taken place. As such, they considered the applicant to be a fit and proper person to hold a Private Hire/Hackney Carriage (Joint) Drivers Licence.

The Licensing Team Leader and the applicant were invited to return so that the meeting could be reconvened.

4.2 Decision

The Chairman advised that the panel had considered the representations made by all parties and on that basis, had agreed to grant the application.

RESOLVED:

That the applicant was a fit and proper person to hold a Private Hire/ Hackney Carriage Driver's Licence under the Local Government (Miscellaneous Provisions) Act 1976 and that the Licence be granted.

(The meeting commenced at 3.03pm and ended at 3.45pm)

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