

**LICENSING SUB-COMMITTEE**  
**11 DECEMBER 2017**

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held in the Delyn Committee Room, County Hall, Mold at 10am on Monday, 11 December 2017

**PRESENT: Councillor Tony Sharps (Chairman)**  
Councillors: David Cox and Mike Reece

**OFFICERS OF FLINTSHIRE COUNTY COUNCIL:**  
Licensing Team Leader (Gemma Potter), Solicitor (Sian Jones) and Committee Officer (Ceri Shotton)

Applicant

**1. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

None were received.

**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. He introduced the panel members and explained the procedure for the hearing, including how the application would be determined.

**4. CONDUCT AND CONVICTION OF A PRIVATE HIRE/HACKNEY CARRIAGE (JOINT) DRIVER LICENCE**

The Licensing Team Leader presented the report to consider the recent conduct and convictions of a Private Hire/Hackney Carriage (Joint) Driver, and to determine whether he remained a fit and proper person to continue to hold the licence.

The Chairman invited the applicant to make representations and he provided information on his recent speeding conviction and clarified the reason for his decision to accept a short driving ban rather than additional penalty points. He explained that he had been rushed to pick up a regular passenger who required assistance due to her disability. He explained that since the conviction

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he had reduced the number of hours and days he worked to ensure in future his concentration was not affected.

The applicant referred to his written representations which had been included on the agenda and shared background information on the complaints made against him. He responded to questions raised by the panel.

In response to questions from the panel, the applicant provided clarification on various aspects of the complaints and also on his employment background, stating that he had been advised to install a dashboard camera to protect himself against any future complaints.

The Solicitor sought clarification on comments made by the applicant on recent work he had undertaken. The applicant clarified that he had spoken with a member of the Council's Licencing Team who had advised that he could continue to work until the Licensing Sub-Committee had met to determine whether he could continue to hold a licence.

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. The panel considered the circumstances involved in each case and the precautionary steps being taken by the applicant and felt that the applicant was a fit and proper person to hold a Private Hire/Hackney Carriage (Joint) Drivers Licence.

The panel agreed that it would be appropriate for the licence holder to sit and pass the knowledge test, which all new applicants have to pass before becoming licensed, within six weeks of the meeting.

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 having considered the representations made, panel agreed that the applicant could continue to have a private hire/hackney carriage drivers' licence.

#### **RESOLVED:**

- (a) 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; and

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- (b) That the applicant sit and pass the knowledge test, which all new applicants have to pass before becoming licensed, within six weeks of the meeting.

(The meeting started at 10am and ended at 10.55am)

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**PRESENT: Councillor Tony Sharps (Chairman)**

Councillors: David Cox and Mike Reece

**OFFICERS OF FLINTSHIRE COUNTY COUNCIL:**

Licensing Team Leader (Gemma Potter), Solicitor (Sian Jones) and Committee Officer (Ceri Shotton)

Applicant and representative.

**1. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

None were received.

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

**4. CONDUCT AND CONVICTION OF A PRIVATE HIRE/HACKNEY CARRIAGE (JOINT) DRIVER LICENCE**

The Licensing Team Leader presented the report to consider the conduct of a Private Hire/Hackney Carriage (Joint) Driver, and to determine whether he remained a fit and proper person to continue to hold such a licence.

The Chairman invited the applicant to make representations and questioned why he had failed to disclose his conviction to the Licensing Section. The applicant apologised and explained that he had told his employer immediately but that it had been an oversight on his part not to inform the Licensing Section.

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The applicant referred to his written representations which had been included on the agenda and shared background information on his conviction complaints made against him. He responded to questions raised by the panel.

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

The Solicitor asked whether the applicant would object to undergoing a psychiatric test and the applicant confirmed that he would not object to this.

The owner of the taxi company, who employed the applicant and had accompanied him 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. The panel considered the circumstances involved and felt that the applicant was a fit and proper person to hold a Private Hire/Hackney Carriage (Joint) Drivers Licence.

The panel agreed that it would be appropriate for the Licensing Section to receive quarterly update reports from the applicants GP and that the GP should be asked to refer the applicant for a psychiatric test.

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

#### **4.2 Decision**

The Chairman advised that having considered the representations made, panel agreed that the applicant could continue to have a private hire/hackney carriage drivers' licence.

#### **RESOLVED:**

- (a) 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; under the strict condition that the applicant receive quarterly update reports from his GP and that he request that his GP refer him for a psychiatrist test.

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(The meeting started at 11am and ended at 12.10pm)

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