

**LICENSING SUB-COMMITTEE**  
**15 FEBRUARY 2018**

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 Thursday, 15 February 2018

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

Councillors: Adele Davies-Cooke and Mike Reece

**OFFICERS OF FLINTSHIRE COUNTY COUNCIL:**

Solicitor, Licensing Team Leader, and Committee Officer

Applicant

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

None were received.

**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).

The Chair welcomed the applicant and introduced the Members of the Sub-Committee and the Council officers. He explained the procedure for the hearing, including how the application would be determined.

**3. 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, licensed by the Authority.

The Licensing Team Leader explained that the application had asked for details of any previous convictions and the applicant had disclosed a number of past convictions which were detailed on an old disclosure document. On receipt of the applicant's Disclosure and Barring Service (DBS) criminal records disclosure all convictions and offences were shown. Written explanations of all the convictions were appended to the report. Due to the number of convictions the applicant was invited to appear before the Licensing Sub Committee to determine whether he was a fit and proper person to hold a Joint Driver Licence.

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

The applicant referred to the written explanation which was appended to the report to address his convictions and provided background information and explanation of all the offences which had been committed during his youth. He responded to the questions raised concerning his personal and family circumstances and provided details of his employment background and his current role working for a charitable organisation.

The Solicitor questioned the applicant in detail concerning his convictions. The applicant said he deeply regretted all his offences and explained that they had occurred at a time when he had personal problems with substance abuse. He reiterated the circumstances which had provoked them and emphasised that he had been free of convictions for many years. The applicant explained he was a reformed character who drew on his past experiences to help people who found themselves in similar difficult circumstances to change their lives for the better.

When asked, the applicant replied that he regarded himself as a fit and proper person to hold a licence and referred to his stable family life, good employment record and future career prospects.

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 application was determined.

### **3.1 Determination of the Application**

In determining the application, the Sub Committee 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 length of time since the last conviction and felt that the applicant had given a full and credible account of his actions. The Panel agreed that the applicant was a fit and proper person to hold a Private Hire/Hackney Carriage (Joint) Driver Licence.

The Licensing Team Leader and the applicant were invited to return and the meeting was reconvened.

### **3.2 Decision**

The Chairman advised the applicant that the Sub Committee had decided that he had given a full and credible account of his actions and his previous convictions and had agreed to grant the application.

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**RESOLVED:**

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

(The hearing commenced at 10.00 am and ended at 10.45 am)

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

**HEARING TWO**

Applicant

The Chair welcomed the applicant and introduced the Members of the Sub-Committee and the Council officers. He explained the procedure for the hearing, including how the application would be determined.

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

The Licensing Team Leader explained that the application had asked for details of any previous convictions and the applicant had disclosed a past conviction. However, on receipt of the applicant's Disclosure and Barring Service (DBS) criminal records disclosure a number of convictions and offences were shown. Written explanations of all the convictions were appended to the report. Due to the number of convictions the applicant was invited to appear before the Licensing Sub Committee to determine whether he was a fit and proper person to hold a Joint Driver Licence.

The Chairman asked the applicant to explain the circumstances of his convictions as detailed in the report. The applicant explained that some of the offences had been committed during his youth and referred to his personal and family circumstances at that time.

The Solicitor questioned the applicant about his employment history and asked him to explain why he had not disclosed all his convictions on his application. The applicant explained that he had mistakenly thought that he did not need to declare his earlier convictions as they had been committed many years previously. The Solicitor sought further clarification from the applicant concerning the circumstances and the sentences received for his convictions. The Solicitor questioned the applicant in detail about his understanding and the severity of his conviction for 'Lying in Court' and sought further information on the circumstances relating to that offence.

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When asked, the applicant said that he regarded himself as a fit and proper person to hold a licence and referred to his stable family life and past employment record. He said he wanted to work to support his family.

When the Chairman was satisfied that all relevant questions had been raised, the Licensing Team Leader and the applicant were asked to leave the meeting whilst the application was determined.

#### **4.1 Determination of the Application**

Following consideration of the application the Sub Committee was of the view that the applicant was a fit and proper person within the meaning of the Local Government (Miscellaneous Provisions) Act 1976 to hold a Private Hire/Hackney Carriage (Joint) Drivers Licence. However, due to the concerns of the panel on the nature of the offences, it was agreed that the licence be granted for a probationary period of 12 months. The applicant would also be required to undertake a Disclosure and Barring Service (DBS) enhanced criminal records check at his own expense and at an appropriate time to be determined by the Licensing Section.

The Licensing Team Leader and the applicant were invited to return and the meeting was reconvened.

#### **4.2 Decision**

The Chairman advised the applicant that the Sub Committee had decided that he was a fit and proper person to hold a Private Hire/ Hackney Carriage Driver's Licence and was granted a licence for a probationary period of twelve months. The Chairman advised the applicant that he would be required to undertake a Disclosure and Barring Service (DBS) enhanced criminal records check at his own expense and at an appropriate time to be determined by the Licensing Section.

#### **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 was granted a licence for a probationary period of twelve months; and
- (b) That a Disclosure and Barring Service (DBS) enhanced criminal records check be undertaken at his own expense and at an appropriate time to be determined by the Licensing Section.

<b>Approved</b>		<b>Date</b>
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5. **APPLICATION FOR A PRIVATE HIRE / HACKNEY CARRIAGE (JOINT) DRIVER LICENCE**

**HEARING THREE**

**INTERESTED PARTY:** Private Hire Operator

Applicant

Prior to the start of the meeting the Licensing Team Leader explained that the applicant had asked that his current employer be present at the meeting. The applicant confirmed that he wished his employer to be present during the hearing and asked that he be allowed to speak on his behalf if necessary.

The Chair welcomed the applicant and the Interested Party and introduced the Members of the Sub-Committee and Council officers. He explained the procedure for the hearing, including how the application would be determined.

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

The Licensing Team Leader explained that the application had asked for details of any previous convictions and the applicant had disclosed that he had two public order offences. On receipt of the applicant's Disclosure and Barring Service (DBS) criminal records disclosure details of both the convictions were shown. The Licensing Team Leader reported that the applicant was asked to provide a written explanation of his convictions and this was appended to the report. Due to the number of convictions the applicant was invited to appear before the Licensing Sub Committee to determine whether he was a fit and proper person to hold a Joint Driver Licence.

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

The applicant took the opportunity to provide copies of character references to the Panel for information. He referred to his explanation of his convictions which was appended to the report and provided further information around the circumstances which had given rise to the offences being committed. He said he regretted his convictions which had occurred many years previously and said they were isolated incidents. When questioned by the Panel the applicant provided background information on his personal circumstances and employment history and referred to his stable family life and current employment.

The applicant's current employer spoke in support of the applicant and gave an overview of the nature of the work that he undertook. He said he welcomed the opportunity to employ the applicant in a further capacity and regarded him as an 'asset' to his business.

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The Solicitor questioned the applicant in detail about his convictions and sought further explanation of the circumstances which had given rise to the second conviction and the fine he had received.

When the Chairman was satisfied that all relevant questions had been raised, the Licensing Team Leader, the applicant, and the interested party were asked to leave the meeting whilst the application was determined.

## **5.1 Determination of the Application**

In determining the application, the Sub Committee 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 length of time since the last conviction and felt that the applicant had given a full and credible account of his actions. The Panel agreed that the applicant was a fit and proper person to hold a Private Hire/Hackney Carriage (Joint) Driver Licence.

The Licensing Team Leader, the applicant and the interested party were invited to return and the meeting was reconvened.

## **5.2 Decision**

The Chairman advised the applicant that the Sub Committee had decided that he had given a full and credible account of his actions and his previous convictions and had agreed to grant the application.

### **RESOLVED:**

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

(The third hearing commenced at 12.10 pm and ended at 12.40 pm).

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