

LICENSING SUB-COMMITTEE
23 JANUARY 2020

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held at County Hall, Mold on Thursday, 23 January 2020 (**Hearing 1 starting at 9.10am**)

Present: Councillor Tony Sharps (Chairman)

Councillors: David Cox and Adele Davies-Cooke

Officers of Flintshire County Council:

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

Applicant

1. APOLOGIES

None.

2. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None.

3. 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 item as this 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. 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.

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

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

In response to questions from the panel, the applicant provided explanation on the Police caution which appeared on his Disclosure and Barring Service Enhanced Disclosure (DBS) conviction sheet. He detailed the background leading up to the incident and said that his actions had been to prevent issues escalating further. He said that he had no prior convictions and

that he had voluntarily attended the Police station to report the incident. His failure to disclose the caution on his application was because he had not realised that the informal discussion which took place at the Police station had in fact resulted in the caution.

During questioning by the Solicitor, the applicant provided further clarity on the events leading to his caution, after which he had felt regret for his actions. He explained that specific wording in his written representations reflected the fact that there had been a number of witnesses to the incident. On further questioning, he could not recall signing documentation at the Police station in respect of the caution as he had felt overwhelmed, having never been in this situation before. Whilst expressing remorse for the incident, he acknowledged that this was not reflected in his written representations but said that he had regretted what had happened on this isolated incident.

When asked by the Chairman if he wished to make further representations, the applicant reiterated his regret and gave assurances about the appropriate way of dealing with any difficulties if he were to be granted the licence. He then thanked the panel for considering his application.

When the Chairman was satisfied that all relevant questions had been raised, he asked that the applicant and the Licensing Team Leader leave the meeting to enable the panel to reach a decision.

5.1 Determination of the Application

In determining the application, the panel considered all the written and verbal representations together with the Council's guidance on the treatment of convictions.

In considering the information shown on the applicant's DBS, in particular the time which had lapsed and the applicant's regret at this single incident, the panel felt that - on balance - he was a fit and proper person to hold a Private Hire/Hackney Carriage (Joint) Driver Licence.

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

5.2 Decision

The Chairman advised that, having considered the representations made, the panel agreed that the applicant could be granted a Private Hire/Hackney Carriage Driver Licence for three years.

The Chairman said that the panel had agreed that the applicant was a fit and proper person to hold a licence, and that he had been honest - if not naïve - in his prior conduct. The Solicitor reminded the applicant that he was required to disclose any further arrests/convictions/cautions etc immediately to the Licensing Authority.

RESOLVED:

That the applicant is - on the balance of probabilities - 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 he be granted to have such a Licence for three years.

(The meeting started at 9.10am and ended at 10.15am)

LICENSING SUB-COMMITTEE
23 JANUARY 2020

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held at County Hall, Mold on Thursday, 23 January 2020 (**Hearing 2 starting at 10.20am**)

Present: Councillor Tony Sharps (Chairman)

Councillors: David Cox and Adele Davies-Cooke

Officers of Flintshire County Council:

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

Applicant

1. APOLOGIES

None.

2. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None.

3. 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 item as this 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. 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.

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

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

In response to questions from the panel, the applicant provided clarification on the circumstances surrounding his two previous convictions which had led to the sanctions shown on the Police Disclosure & Barring Service (DBS) conviction sheet. He expressed regret at the offences which had taken place many years ago when he was much younger and said that he still felt ashamed at

his conduct at that time. In respect of the first offence, he said that his actions were not intentional and that he had made an apology in the Court.

Following questioning by the Solicitor, the applicant provided further detail on the events leading to his convictions, explaining that this was not part of a regular pattern of behaviour. He described his reaction to the Police officers which had led to his arrest and said that he regretted his actions and should have walked away. In support of his application, he said that he never drove under the influence of alcohol and he went on to detail the range of work that he had undertaken at a number of public buildings.

When the Chairman was satisfied that all relevant questions had been raised, he asked that the applicant and the Licensing Team Leader leave the meeting to enable the panel to reach a decision.

5.1 Determination of the Application

In determining the application, the panel considered all the written and verbal representations and paid particular attention to the Council's guidance on the treatment of convictions, specifically that in section 4 relating to the weight given to convictions for obstructing or using violent behaviour towards a Police officer.

In considering the applicant's remorse for his conduct at the time of his convictions and the length of time which had lapsed, the panel considered that a departure from the guidance was appropriate in this instance. The panel felt that - on balance - the applicant was a fit and proper person to hold a Private Hire/Hackney Carriage (Joint) Driver Licence for three years.

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

5.2 Decision

The Chairman advised that, having considered the representations made, the panel agreed that the applicant could be granted a Private Hire/Hackney Carriage Driver Licence for three years. He explained that in considering the guidance in sections 4.19 and 4.20, the panel had agreed to grant the licence due to the substantial time which had lapsed since the last conviction.

RESOLVED:

That the applicant is - on the balance of probabilities - 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 he be granted to have such a Licence for three years.

(The meeting started at 10.20am and ended at 11.05am)