

LICENSING SUB-COMMITTEE

3 JULY 2012

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held at Delyn Committee Room, County Hall, Mold CH7 6NA on Tuesday, 3 July 2012

PRESENT: Councillor Tony Sharps (Chairman)

Councillors Alan Diskin and Jim Falshaw

OFFICERS OF FLINTSHIRE COUNTY COUNCIL: Solicitor (Mr. T. Dillon), Senior Licensing Officer (Mrs. G. Potter) and Committee Officer

1. APOLOGIES

None were received.

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 is considered to contain exempt information by virtue of paragraphs 12 and 13 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

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

A copy of the report to request that Members consider and determine an application for a Private Hire/Hackney Carriage (Joint Driver) Licence had been included with the agenda. The report detailed the contents of the application, together with information on the applicant's convictions and the Council's adopted guidance on dealing with such matters.

The report stated that although the applicant had disclosed five convictions, details of six convictions had been shown following receipt of the applicant's Criminal Records Bureau (CRB) disclosure. The applicant had been requested to provide a written explanation of his convictions but had only addressed the most recent conviction.

The Chairman explained the process of how the application would be considered and invited the applicant to make representations and provide information on all the convictions listed.

The applicant spoke on the matter and provided clarification in response to questions raised by the panel. He went on to say that many of the convictions

had occurred when he was younger and he referred to his current family circumstances and employment prospects if the application was successful, suggesting that the panel may wish to consider applying a six month probationary period.

The Senior Licensing Officer summarised the background to the report and confirmed that at the time of the application, the applicant had been informed of paragraphs 4.18 to 4.20 of the Council's adopted guidance on the treatment of convictions.

The Chairman asked the applicant and Senior Licensing Officer to leave the meeting whilst the Sub-Committee made its decision.

Decision

Following consideration by the panel of the application and supporting information, the Senior Licensing Officer and applicant were invited to return to the meeting.

The Chairman stated that the panel had given long and careful consideration to the application, together with representations made by the applicant and Senior Licensing Officer, in determining whether the applicant was a fit and proper person within the meaning of the Local Government (Miscellaneous Provisions) Act 1976 to hold a Joint Driver Licence and to ensure the protection of the public.

The Chairman said that whilst the panel had expressed concerns about the nature of the convictions and consistency of time between each occasion, the length of time since the most recent conviction had also been considered and therefore concluded that the applicant was a fit and proper person to hold a private hire/taxi licence. He advised that the decision of the panel was to allow the application to be granted with a 12 month probationary period.

The Senior Licensing Officer asked if a new Criminal Records Bureau (CRB) disclosure would need to be sought at the end of the 12 month period. The Solicitor confirmed this, advising of the need for completion in good time prior to the expiry of the probationary period.

RESOLVED:

That the Private Hire/Hackney Carriage Driver's Licence be granted for a probationary period of 12 months and at the expiry of the period a Standard CRB check be made before a full Licence is considered by the Licensing Authority.

(The meeting started at 10.00 am and ended at 10.40 am)

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Chairman