

**LICENSING SUB-COMMITTEE**  
**8 NOVEMBER 2013**

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held at Delyn Committee Room, County Hall, Mold CH7 6NA on Friday, 8 November 2013

**PRESENT:**     **Councillor Tony Sharps (Chairman)**  
Councillors: David Cox and Brian Lloyd

**OFFICERS OF FLINTSHIRE COUNTY COUNCIL:**  
Senior Licensing Officer (Gemma Potter), Solicitor (Tim Dillon) and Committee Officer

Applicants

**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 items as it was 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.     CONDUCT / CONVICTIONS AND BREACH OF CONDITIONS OF A PRIVATE HIRE / HACKNEY CARRIAGE (JOINT) DRIVER**

The Chairman welcomed the applicant, introduced the members of the Sub-Committee and explained the procedure for the hearing.

The Senior Licensing Officer introduced the report for Members to consider the recent conviction of a Private Hire/Hackney Carriage (Joint) Driver and to determine whether the applicant remained a fit and proper person to hold such a licence within the meaning of the Local Government (Miscellaneous Provisions) Act 1976. 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. She stated that whilst the applicant had failed to disclose any previous convictions on the licence renewal application form, the Council had been notified otherwise. The applicant had been requested

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to provide a written explanation of his convictions which was appended to the report.

The Chairman invited the applicant to make representations and to provide responses to questions raised by the panel.

The applicant advised that he had not read the copy of the report which had been sent to his home address, and he went on to query information relating to previous convictions referred to in the report, some of which he was unable to recall. The Senior Licensing Officer explained that the Rehabilitation of Offenders Act 1974 (Exemptions) (Amendment) Order 2002 enabled the Council to consider all historic recorded convictions against an applicant for the purposes of a private hire or hackney carriage driver's licence application.

When the Chairman was satisfied that all relevant questions had been raised, he requested that the applicant and the Senior Licensing Officer leave the meeting whilst the Sub-Committee reached a decision.

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

Following consideration of the application including both written and verbal representations made by the applicant and the Licensing Authority, the Sub-Committee was of the view that the applicant remained a fit and proper person to retain a Private Hire/Hackney Carriage (Joint) Drivers Licence. However, it was agreed that the licence would be granted for a probationary period of six months.

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

#### **4.2 Decision**

The Chairman stated that the application had been subject to serious consideration by the panel. He explained that the Sub-Committee had decided that the applicant was a fit and proper person to hold a Private Hire/Hackney Carriage (Joint) drivers licence. However due to concerns that the Sub-Committee had which were relevant to the spirit of paragraph 4.20 of the Council's adopted guidance in respect of Hackney Carriage and Private Hire Drivers Licence Applications and the applicant's lack of remorse on the most recent incident outlined in the report, the applicant would be subject to a probationary period of six months.

The Chairman stated that it was the overarching duty of the Sub-Committee to protect the public, including public servants. The applicant would be required to undertake and complete Anger Management training, at his own expense, within restricted time limits. The training would be determined by the Licensing Authority and evidence of satisfactory completion would be required by no later than six months' time. The concerns expressed by the panel were reflected in this condition, in particular the lack of remorse concerning the recent conviction. Finally, the applicant would be required to undertake a criminal

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records check at his own expense and produce it to the Licensing Authority on the expiry of the probationary licence period.

**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 six months;
- (b) That the applicant undertake and complete, satisfactorily, training determined by the Licensing Authority on Anger Management, at his own expense, with evidence of satisfactory completion produced to the Licensing Authority within six months thereof; and
- (c) That a criminal records check be undertaken at the applicant's own expense with a certificate produced to the Licensing Authority on the expiry of the probationary period.

**5. CONDUCT / CONVICTIONS AND BREACH OF CONDITIONS OF A PRIVATE HIRE / HACKNEY CARRIAGE (JOINT) DRIVER**

The Chairman welcomed the applicant, introduced the members of the Sub-Committee and explained the procedure for the hearing.

The Senior Licensing Officer introduced the report for Members to consider the recent conviction of a Private Hire/Hackney Carriage (Joint) Driver and to determine whether the applicant remained a fit and proper person to hold such a licence within the meaning of the Local Government (Miscellaneous Provisions) Act 1976. 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 applicant confirmed that he was in receipt of a copy of the report.

The Chairman invited the applicant to make representations and to provide responses to questions raised by the panel.

With the permission of the Chairman, the applicant circulated a character reference letter which had been provided by a friend/client. He went on to give detail on the historic convictions but was unable to recall all incidents. On the most recent incident, he responded to queries from the panel and circulated a photograph of his vehicle taken after the incident.

When the Chairman was satisfied that all relevant questions had been raised, he requested that the applicant and the Senior Licensing Officer leave the meeting whilst the Sub-Committee reached a decision.

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## 5.1 Determination of the Application

Following consideration of the application including both written and verbal representations made by the applicant and the Licensing Authority, the Sub-Committee was of the view that the applicant remained a fit and proper person to retain a Private Hire/Hackney Carriage (Joint) Drivers Licence. However, it was agreed that the licence would be granted for a probationary period of six months and a condition attached for the applicant to attend a Knowledge Test due to the persistent similar convictions.

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

## 5.2 Decision

The Chairman advised that the Sub-Committee considered the applicant a fit and proper person to hold a Private Hire/Hackney Carriage (Joint) Drivers Licence. However due to the seriousness and persistent convictions, the applicant was given a probationary licence for a period of six months. Furthermore, a condition was imposed for the applicant to undertake a Knowledge Test by arrangement of the Licensing Authority, to be completed satisfactorily within three months thereof.

A criminal records check would be required prior to the end of the probationary licence period at the applicant's expense and a certificate produced to the Licensing Authority on the expiry of the probationary period.

The Chairman said that the panel strongly recommended that the applicant consider installing a camera in his vehicle for his own benefit.

### **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 six months;
- (b) That the applicant undertake and satisfactorily complete the Knowledge Test within three months, to be arranged by the Licensing Authority; and
- (c) That a criminal records check be undertaken at the applicant's own expense prior to completion of the probationary term and a certificate produced to the Licensing Authority on the expiry of the probationary period.

(The meeting started at 9.30 am and ended at 12.35 pm)

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