

LICENSING SUB-COMMITTEE
31 JULY 2015

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held in the Delyn Committee Room, County Hall, Mold on Friday, 31 July 2015

PRESENT: Councillor Tony Sharps (Chairman)
Councillors: Jim Falshaw and Mike Reece

OFFICERS OF FLINTSHIRE COUNTY COUNCIL:
Licensing Officer (James Lowe), Solicitor (Tim Dillon) and Committee Officer

Representative for the Applicant

1. APOLOGIES

The Licensing Officer advised that he had been notified that morning that the applicant was unable to attend the meeting due to childcare issues and had arranged for a representative to attend on their behalf. The applicant had also apologised for failing to attend the meeting scheduled for the previous week, where the item had originally been scheduled for discussion.

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 4 of Schedule 12A of the Local Government Act 1972 (as amended).

4. HEARING AND DETERMINATION OF THE APPLICATION

The Chairman welcomed the applicant's representative and introduced the panel members. He explained the procedure for the hearing, as well as how the application would be determined and detailed the order in which speakers would be able to address members of the panel.

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

The Licensing Officer presented a report to consider an application for a Private Hire/Hackney Carriage (Joint) Driver Licence. He provided background information and key considerations, as set out in the report, and explained that

Approved		Date
----------	--	------

the meeting was required to enable the panel to determine whether the applicant was a fit and proper person to hold such a Licence. The report detailed the contents of the application, together with information on the applicant's prior convictions and the Council's adopted guidance on dealing with such matters.

The panel expressed disappointment at the applicant's failure to attend the hearing, explaining that the first meeting had been deferred to give the applicant a second opportunity to attend and make representations in support of their application. As such, the panel spoke of the challenges in making an informed decision when the applicant was not present.

In response to questions raised by the panel, the applicant's representative provided clarification on a number of issues relating to the circumstances surrounding the actions taken by the applicant leading to the convictions and options explored to resolve the situation at that time.

The Solicitor explained that the absence of the applicant somewhat affected the ability of the panel in determining whether the applicant was a fit and proper person to hold a Licence. In response to a series of questions, the representative said that the applicant was regretful of their actions which had been borne out of desperation and not malice. Whilst agreeing that the applicant's actions had been an error of poor judgement, he felt that this did not compromise the applicant being a fit and proper person. He referred to pressures experienced by the applicant at the time which had led to the convictions and spoke about the ongoing effect on the applicant.

When the Chairman was satisfied that all relevant questions had been raised, he requested that the representative and the Licensing Officer leave the meeting whilst the panel reached a decision.

5.1 Determination of the Application

Following consideration of the application including all representations, the panel 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 their own expense prior to the expiry of the probationary period.

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

5.2 Decision

The Chairman advised that the panel considered the applicant to be a fit and proper person to hold a Private Hire/Hackney Carriage (Joint) Drivers Licence.

Approved		Date
-----------------	--	-------------

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;
- (b) 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 10.00 am and ended at 10.48 am)

Approved		Date
-----------------	--	-------------