

LICENSING SUB-COMMITTEE
2 NOVEMBER 2015

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held in the Clwyd Committee Room, County Hall, Mold on Monday, 2 November 2015

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

OFFICERS OF FLINTSHIRE COUNTY COUNCIL:
Licensing Team Leader (Gemma Potter), Solicitor (Tim Dillon) 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 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).

3. 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.

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

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

Although the applicant had declined the request to make written representations at the time of collating the report, a document had subsequently been provided in which the applicant provided further explanation on his previous convictions. Copies of the document were circulated to the panel at the meeting, as it had not been possible to ascertain permission from the applicant to share prior to the meeting.

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The Chairman requested that the applicant and Licensing Team Leader leave the room for a short adjournment to enable the panel to read the document. The applicant and Licensing Team Leader were then invited to return.

In presenting the report, the Licensing Team Leader provided background information and key considerations, as set out in the report, and explained that due to the nature of the applicant's previous convictions, the panel was required to determine whether the applicant was a fit and proper person to hold such a Licence. The report detailed information on the applicant's prior convictions and the Council's adopted guidance on dealing with such matters.

Following a question from the Chairman, the applicant confirmed that the written representations were a correct record. He went on to respond to a number of queries raised by the panel on his current and previous employment and provided clarification on circumstances surrounding the previous convictions. The applicant went on to say that he had held a clean driving licence since his last conviction, and this was confirmed by the Licensing Team Leader.

The Solicitor sought clarification on issues relating to the applicant's previous convictions and explained that this was necessary to enable the panel to determine whether the applicant was a fit and proper person to hold a licence. The applicant provided a detailed response, acknowledging his actions and expressing regret. In relation to some of the past convictions, the Solicitor questioned whether this demonstrated a pattern of dishonest behaviour. The applicant felt that there was no such pattern and that the offences were separate.

When asked by the Chairman, the applicant said that he did not wish to raise any questions with the panel.

The Licensing Team Leader advised that references forming part of the application were available if the panel wished to view them.

4.1 Determination of the Application

In determining the application, the panel considered the Council's guidance on the treatment of convictions, cautions, criminal charges or other recorded sanctions, which was appended to the report. Whilst each case was considered on its own merits, the panel paid particular attention to paragraph 4.1 (in respect of the overriding consideration to protect the public) and paragraph 4.10 (on considering the length of time for driving disqualifications), and applied that to the applicant's circumstances. The panel also felt that there had been a pattern of dishonesty by the applicant, despite the time lapsed, and that serious concerns remained about the past offences.

Following consideration of this and all representations made, the panel was of the view that the applicant was not 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.

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

4.2 Decision

The Chairman advised that the panel had refused the application due to serious concerns about the previous convictions detailed. As a result, the panel was of the view that the applicant was not a fit and proper person to hold a private hire driver licence. The panel, when considering the application, had an overriding consideration for the protection of the public.

The applicant was reminded of his right to appeal the decision, if he wished to do so, within 21 days.

RESOLVED:

That the application be refused as the applicant was not considered to be a fit and proper person to hold a Private Hire/Hackney Carriage (Joint) Driver Licence under the Local Government (Miscellaneous Provisions) Act 1976.

(The meeting started at 2.05 pm and ended at 3.10 pm)

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