

**LICENSING SUB-COMMITTEE**  
**29 FEBRUARY 2016 – 10am**

Minutes of the meeting of the Licensing Sub Committee of Flintshire County Council held at County Hall, Mold on Monday, 29 February 2016.

**PRESENT: Councillor Tony Sharps (Chairman)**

Councillors: Jim Falshaw and Mike Reece

**OFFICERS OF FLINTSHIRE COUNTY COUNCIL**

Solicitor (Tim Dillon), Licensing Team Leader (Gemma Potter) and Team Manager, Committee Services (Nicola Gittins)

**1. DECLARATIONS OF INTEREST**

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 item 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 APPEAL**

The Chair welcomed the applicant and introduced the Members of the Sub-Committee and Council officers. 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 and determine an application for a Private Hire / Hackney Carriage (Joint) Driver Licence.

Background information was provided to Members, explaining that due to the nature of the applicant's previous convictions the Sub-Committee was required to determine whether he was a fit and proper person to hold such a licence. The report provided detailed information on the applicant's prior convictions and the Council's adopted guidance on dealing with such matters. An additional letter from the applicant had been submitted that morning which provided additional details on the Disclosure and Barring Service (DBS) check which was read by the Chair and the Sub-Committee Members.

Members asked a number of questions in relation to the applicant's previous convictions which were answered by the applicant. The applicant also provided details on the reason he had been unable to work for the previous two

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years. The Solicitor also asked questions of the applicant in relation to his past which were also answered.

The Licensing Team Leader read out two references which had been received in support of the applicant's application.

The Chair asked if the applicant felt he had received a fair and proper hearing to which he said he had.

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

Following consideration of the application including all representations, the Sub-Committee 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) Driver Licence. This was with the condition that the licence be granted for a probationary period of 6 months following which the applicant would be required to undertake a further DBS enhanced criminal records check at their own expense prior to the expiry of the probationary period.

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

#### **4.2 Decision**

The Chair advised that the Sub-Committee considered the applicant to be a fit and proper person to hold a Private Hire / Hackney Carriage (Joint) Driver Licence.

#### **RESOLVED:**

- (a) That the applicant was a fit and proper person to hold a Private Hire / Hackney Carriage (Joint) Driver Licence under the Local Government (Miscellaneous Provisions) Act 1976 and was granted a licence for a probationary period of six months; and
- (b) That a DBS 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 commenced at 10am and ended at 10.50am.

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**LICENSING SUB-COMMITTEE**  
**29 FEBRUARY 2016 – 11am**

Minutes of the meeting of the Licensing Sub Committee of Flintshire County Council held at County Hall, Mold on Monday, 29 February 2016.

**PRESENT: Councillor Tony Sharps (Chairman)**

Councillors: Jim Falshaw and Mike Reece

**OFFICERS OF FLINTSHIRE COUNTY COUNCIL**

Solicitor (Tim Dillon), Licensing Team Leader (Gemma Potter) and Team Manager, Committee Services (Nicola Gittins)

**1. DECLARATIONS OF INTEREST**

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 item 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).

Prior to the Sub-Committee commencing, the applicant advised the Licensing Team Leader that he had not received a copy of the Committee report which had been sent out the previous week. The Chair adjourned the start time of the meeting for 25 minutes to allow sufficient time for the applicant to read the report. The Chair also agreed to allow a representative to attend with the applicant to make notes of the meeting on his behalf.

On entering the room, the Chair asked if the applicant had been given sufficient time to read the Committee report which he confirmed he had. He also provided additional copies of references which were given to the Chair and read by himself and the Sub-Committee Members.

**3. HEARING AND DETERMINATION OF THE APPEAL**

The Chair welcomed the applicant and introduced the Members of the Sub-Committee and Council officers. He explained the procedure for the hearing, including how the application would be determined.

**4. APPLICATION FOR A PRIVATE HIRE / HACKNEY CARRIAGE DRIVER LICENCE**

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

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Background information was provided to Members, explaining that due to the nature of the applicant's previous convictions the Sub-Committee was required to determine whether he was a fit and proper person to hold such a licence. The report provided detailed information on the applicant's prior convictions and the Council's adopted guidance on dealing with such matters.

The Licensing Team Leader explained that the applicant had submitted a previous application which was considered by the same Sub-Committee Members on 2 November 2015. The application was refused and the applicant had appealed to the Magistrate's Court which was currently being processed, however there had been an administrative error at the Court which had delayed that process.

Members asked a number of questions in relation to the applicant's previous convictions which were answered by the applicant. The Solicitor sought clarification on a number of answers which he felt differed from the previous hearing and were clarified by the applicant.

A number of questions were also asked on the personal references obtained by the applicant, namely on whether he felt in his request for references the he was leading the responses to which he said he was not. He felt it was appropriate and necessary to explain the nature of why the reference was being asked for. He had provided details of the referees to the Licensing Team Leader and asked that she seek the appropriate references but was informed that as two had been received, which was the Council's requirement, she could not carry out that request but if the applicant wanted to obtain further references then he could do so. This was confirmed by the Licensing Team Leader. The applicant explained that the email seeking references was sent by his son on his behalf. He then added that he was happy for the Sub-Committee to adjourn if they wanted to seek further details from the referees.

The Chair asked if the applicant felt he had received a fair and proper hearing to which he said he had. He commented that he felt he was interrupted at times but confirmed that he had since been able to answer all of the questions asked. The Solicitor then asked if there was anything else he would like to add to which he said there was not. The Licensing Team Leader, applicant and his representative left the room during the decision making.

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

In determining the application, the Sub-Committee considered the questions that had been asked and answered given and unanimously agreed that the hearing should be adjourned to allow time for additional information to be sought from the referees in support of his application.

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

#### **4.2 Decision**

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The Chair advised that the Sub-Committee would like to reconvene on 14 March at 2pm if that was convenient to the applicant, which he confirmed it was. It was explained that the purpose of the adjournment was to enable the referees to be contacted to ask if they would like to provide any further information. The Chair also explained that a reconvened date would enable the applicant to expand on the answers given in relation to previous convictions to enable the Sub-Committee to determine if he was a fit and proper person to hold a taxi licence.

In response to the referees being contacted again, the applicant asked if a Council officer could undertake that task as he had requested the information in the first instance, via his son, which was not to the Sub-Committee's satisfaction today. The Licensing Team Leader confirmed that she would contact each of the referees, including the additional ones that had been presented to Member that morning.

**RESOLVED:**

That the Sub-Committee meeting be reconvened to 15 March at 2pm to enable the Licensing Team Leader to contact each of the applicant's referees to seek any additional information they may want to provide.

The meeting commenced at 11.25am and ended at 1.05pm.

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