

LICENSING SUB-COMMITTEE
30 APRIL 2018

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held at County Hall, Mold on Monday, 30 April 2018 at 2pm

Present: Councillor Tony Sharps (Chairman)

Councillors: David Cox and Mike Reece

Officers of Flintshire County Council:

Licensing Team Leader (Gemma Potter), Solicitor (Tim Dillon), Democratic Services Officer (Sharon Thomas) and Democratic Services Support Officer (Jan Kelly)

Applicant

1. APOLOGIES

None.

2. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None.

3. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting for the following item as this 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 and introduced the panel members. He explained the procedure for the hearing, including how the application would be determined.

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

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

In response to questions from the panel, the applicant provided clarification on the circumstances surrounding his previous convictions including speeding offences. Having completed a rehabilitation course, he said that there

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was no excuse and that he now understood more clearly the implications of driving with excess alcohol.

Following questioning by the Solicitor on previous drink driving convictions, the applicant said that the alcohol reading had been just above the legal limit. On his most recent speeding conviction, he stated that he had been driving at around 36mph in a 30mph zone on a road which he had thought had a 40mph limit. During questioning, he spoke of his regret at these incidents which had occurred during a difficult time in his life.

When invited by the Chairman to make additional representations, the applicant explained that considerable time had lapsed since his last conviction and that his personal life had improved significantly and he was now a different person.

When the Chairman was satisfied that all relevant questions had been raised, he asked that the applicant and the Licensing Team Leader leave the meeting to enable the panel to reach a decision.

5.1 Determination of the Application

In determining the application, the panel considered the applicant's written and verbal representations and the Council's guidance on the treatment of convictions. In considering the circumstances involved in the conviction record, the time which had lapsed and the positive steps taken by the applicant, the panel felt that he was a fit and proper person to hold a Private Hire/Hackney Carriage (Joint) Driver Licence.

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

5.2 Decision

The Chairman advised that, having considered the representations made, the panel agreed that the applicant could be granted a Private Hire/Hackney Carriage Driver Licence.

RESOLVED:

That the applicant is a fit and proper person to hold a Private Hire/Hackney Carriage Driver's Licence under the Local Government (Miscellaneous Provisions) Act 1976 and that he be granted to have such a Licence.

(The meeting started at 2.05pm and ended at 2.40pm)

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LICENSING SUB-COMMITTEE
30 APRIL 2018

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held at County Hall, Mold on Monday, 30 April 2018 at 2.50pm

Present: Councillor Tony Sharps (Chairman)

Councillors: David Cox and Mike Reece

Officers of Flintshire County Council:

Licensing Team Leader (Gemma Potter), Solicitor (Tim Dillon), Democratic Services Officer (Sharon Thomas) and Democratic Services Support Officer (Jan Kelly)

Applicant

1. APOLOGIES

None.

2. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None.

3. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting for the following item as this 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 and introduced the panel members. He explained the procedure for the hearing, including how the application would be determined.

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

The Licensing Team Leader presented the report to consider the conduct and convictions of a Private Hire/Hackney Carriage (Joint) Driver.

The applicant asked if he could correct a misstatement within his written representations appended to the report. He clarified that the last conviction on his DVLA record had been received earlier in the year which meant that he currently had nine points on his licence with no other prosecutions pending.

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The Chairman expressed concerns about warnings previously issued to the applicant, including failure to disclose offences and a further breach of licensing conditions. During questioning, the applicant detailed the circumstances involved in those convictions.

The Solicitor referred to the applicant's conviction record and asked whether he had an issue with speeding. In acknowledging the point, the applicant explained that on each occasion, he had been driving only slightly above the speed limit and that he had accumulated significant annual mileage during that period. He said that the speeding convictions were due to lack of concentration and that he had not been carrying customers at those times. In relation to his last speeding conviction on a road with average speed cameras, he had not been aware of any warning signs to that effect and had not challenged this as he felt obliged to admit the offence. Since that time, he had made a number of changes to improve his life and address health issues.

In response to questions from the panel, the applicant said there was no excuse for speeding and that subsequent changes to his worklife had helped him to understand his responsibilities and achieve a better work-life balance. He had recently successfully completed a self-funded Certificate of Professional Competence (CPC) course to re-educate himself and improve his driving.

The Solicitor questioned why the applicant had failed to react to previous warnings. The applicant admitted that he had not taken the offences as seriously as he should have done and that he now appreciated the importance of his licence. Following further discussion, he said that he had recently read the standard licensing conditions and fully understood the implications of any breaches.

When the Chairman was satisfied that all relevant questions had been raised, he asked that the applicant and the Licensing Team Leader leave the meeting to enable the panel to reach a decision.

5.1 Determination of the Application

In determining the application, the panel considered the applicant's written and verbal representations and the Council's guidance on the treatment of convictions. Given the warnings previously issued to the applicant, the panel had concerns about his apparent disregard for licensing rules. However, having considered the explanations given by the applicant and the positive actions taken since, the panel felt that he was a fit and proper person to continue to hold a Private Hire/Hackney Carriage (Joint) Driver's Licence subject to a probationary period and the completion of a speed awareness course.

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

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5.2 Decision

The Chairman explained that the panel had reservations about the integrity of the applicant due to his failure to heed warnings issued to him and taking into account his conviction history. Having considered the representations, the panel agreed that he could continue to hold the licence for a 12 month probationary period and that he should successfully complete a driver speed awareness course within 8 weeks at his own expense.

RESOLVED:

That the applicant is a fit and proper person to continue to hold a Private Hire\Hackney Carriage Driver's Licence. This applies for a 12 month probationary period given the panel's concerns about the applicant's pattern of speeding offences and failure to heed warnings. In consideration of this, the applicant is to complete, to a satisfactory standard, a Driver Speed Awareness course. This is to be completed within 8 weeks from the date of this hearing and all associated costs incurred to be the responsibility of the applicant. Upon completion, the applicant is to present a certificate to the satisfaction of the Licensing Section of the Council.

(The meeting started at 2.50pm and ended at 4.10pm)

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