

LICENSING SUB-COMMITTEE
26 JUNE 2018

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held in the Clwyd Committee Room, County Hall, Mold CH7 6NA on Tuesday, 26 June 2018

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

Councillors David Cox and Mike Reece

OFFICERS OF FLINTSHIRE COUNTY COUNCIL:

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

Applicant (a) and Applicant (b)

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

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).

The Chairman welcomed the Applicants and introduced the panel members. He explained the procedure for the hearing, including how the application would be determined.

3. APPLICATION TO TRANSFER A PRIVATE HIRE OPERATOR LICENCE

The Licensing Team Leader presented the report to consider an application to transfer the Private Hire Operator Licence. The application was shown at Appendix A. The current holders of the licence had provided their written consent to the transfer and was shown at Appendix B and Appendix C.

The Solicitor commenced his questions to the Applicants and asked how long they had held licences.

The applicants provided details of their licence history, however there was some confusion regarding the dates that a previous licence had been granted to Applicant (b) and the Licensing Team Leader was asked to obtain clarification of this. The meeting was adjourned at 2.22 pm

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The meeting reconvened at 2.29 pm and the Licensing Team Leader provided clarification of the information held on the licensing system on Applicant (b).

The Solicitor then asked the Applicants why the Panel should support this application.

In response they admitted mistakes had been made in the past but they had learned from them and were confident with the support of the existing licence holder they would not make the same mistakes again.

The Applicants were requested to read out their emails on page 15 and 17 which they did.

In response to a number of questions raised by the Solicitor the Applicants provided clarification on the incident which led to the 17 points being received on the Operator Licence.

The Solicitor then referring to the driving without insurance offences and asked how this had happened.

In response the Applicants referred to a burglary of the office and provided background information of the circumstances which led to the prosecution. He added he was allowed to keep his licence on the grounds of exceptional hardship but banned from driving for 8 days.

The Solicitor then asked for clarification on their roles in the previous taxi company. It was confirmed they were just drivers.

The Solicitor then referred to the application and to page 4 and asked why the licence was refused but the appeal at the Magistrates Court was dismissed.

The Licensing Team Leader responded saying she was not sure what the policy was at that time which was different to the policy in place now. She clarified the timeline for the licence.

The Solicitor referred to page 8, part 6 applicant's details "has any person in 1 above ever been refused a private hire or hackney carriage licence or had any such licence suspended / revoked" and asked why he had crossed out 'yes and no' and wrote 'no' underneath.

In response Applicant (a) said his licence had never been revoked and Applicant (b) said he had been to court and it had been granted

The Solicitor asked if there was an intention to mislead to which they responded no there was not.

The Solicitor referred to the same page (b) convictions or cautions – and asked why this has been left blank. In response they said they had mis-read the form thinking it was referred to existing convictions. The Solicitor asked if this

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was missed out on purpose to which they responded that it was an innocent mistake. They were asked if they had completed this type of form before to which they answered only on badge licence forms.

The Licensing Team Leader commented that this question appeared on all forms including the badge licence form. They both again apologised saying they had mis-read the form.

The Solicitor then referred to the website on page 5 1.15 which was currently live and contained their contact information. The current licence holder outlined his history as a taxi operator and explained why the webpage was developed which was to deliver a better service for their customers. He had requested the information on the website be changed to the Applicants names. He confirmed all bookings were transferred to his company. It was explained to him by the Licensing Team Leader that Companies could have two addresses listed for their business but not two names. He agreed to close the webpage straightaway.

The Solicitor asked Applicant (b) how many points he had on his licence. He confirmed there were no points on this licence since 2016. He referred to the hours driven per week and these offences were for 2 or 3 miles over the limit which he thought was not excessive when he was driving 40,000 miles a year. He added there were cameras and equipment in place now in the cars to ensure repeated mistakes were not made.

Councillor Cox asked how many years he had been free of convictions to which Applicant (a) said 2013 was his only conviction and Applicant (b) confirmed 2013 was his last offence.

The Chair referred to the new technology in taxi cars now and asked if they had the same technology fitted to which they confirmed they had already installed it.

The Chair commented it was agreed a lot of mistakes had been made and that the panel had to establish if they were fit and proper to hold an operator's licence.

3.1 Determination of the Application

In determining the application, the panel considered the applicants' written and verbal representations. In considering the circumstances involved the panel felt that they were fit and proper to hold a Private Hire/Hackney Carriage (Joint) Drivers Licence.

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

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3.2 Decision

The Chairman advised that, having considered the representations made, the panel agreed to grant the licence for a probationary period of 12 months. The panel needed to ensure there was sufficient business acumen and confirmed they would be monitored. He was pleased to hear the driver technology was already installed in the cars. He reiterated if there was a repeat offence then there would be a refusal.

RESOLVED:

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 with the attached conditions and that the Licence be granted

(The meeting started at 2.00 pm and ended at 3.35 pm)

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