

**LICENSING SUB-COMMITTEE**

**8 OCTOBER 2018**

Minutes of the meeting of the Licensing Sub Committee of Flintshire County Council held at County Hall, Mold on Monday, 8<sup>th</sup> October 2018.

**PRESENT:**

**Councillor Tony Sharps (Chairman)**

Councillors: Adele Davies-Cooke and Mike Reece.

**OFFICERS OF FLINTSHIRE COUNTY COUNCIL**

Solicitor (Mr Tim Dillon), Licensing Team Leader (Gemma Potter) and Team Leader – Democratic Services (Nicola Gittins)

**APOLOGIES**

None.

**1. DECLARATIONS OF INTEREST**

Councillor Reece declared a personal interest in agenda item number 4 – Conduct and Convictions of a Private Hire / Hackney Carriage (Joint) Driver as he had attended the same school as the driver over 50 years previous. He took legal advice and as he had not seen the driver for a long time, and that he had no personal relationship with the driver, he was happy to remain on the Sub-Committee. The applicant concurred that they had not seen each other for many years and he was also happy for Councillor Reece to be on the Sub-Committee.

**2. 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 items as they were 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. APPLICATION FOR A PRIVATE HIRE/HACKNEY CARRIAGE (JOINT) DRIVER LICENCE**

The Chairman welcomed the applicant and his potential future employer to the meeting. He introduced the Sub-Committee members and explained the procedure for the hearing, including how the application would be determined.

The Licensing Team Leader presented the report to consider an application for a Private Hire / Hackney Carriage (Joint) Driver Licence. The reason that the application was before the Sub-Committee was due to the nature of the applicant's caution, and it being less than five years old.

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The Chairman, members of the Sub-Committee and the Solicitor asked questions of the applicant, particularly relating to the conviction for harassment, to which the applicant responded.

The Chairman invited the applicant to make representations. He provided details of the background which led to the offence that had taken place as outlined in the application form and on the DBS form. He explained the extenuating circumstances which had seen him react to a situation that was out of character for him. He explained that he had never previously, or since, been in trouble with the police and that it was a traumatic experience for him.

He provided details of his previous employment which had been with the same company for 20 years, and that he had worked since leaving school when he obtained an apprenticeship. He felt he was a good diligent worker who got on well with people; a number of people had said he would be a good taxi driver.

The Chairman invited the applicant's potential employer to speak. He said he had known the applicant for many years and he was the most placid person he knew. He said at his taxi firm the safety of customers was paramount and he trusted the applicant in that role.

In response to questions from the Sub-Committee, the applicant provided clarification on aspects of his conviction including details of his personal life. He said he considered himself to be a fit and proper person.

When the Chairman was satisfied that all relevant questions had been raised, he requested that the applicant, his potential future employer and the Licensing Team Leader leave the meeting whilst the Sub-Committee reached a decision.

### **Decision**

In determining the application, the Sub-Committee considered the representation made and the circumstances involved in the conviction of harassment. The Sub-Committee felt that the applicant was a fit and proper person to hold a Private Hire / Hackney Carriage (Joint) Drivers Licence.

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

### **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 and that the Licence be granted.

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

The Chairman welcomed the driver to the meeting. He introduced the Sub-Committee members and explained the procedure for the hearing, including how the application would be determined.

The Licensing Team Leader presented the report on the Conduct and Convictions of a Private Hire / Hackney Carriage (Joint) Driver), including the reasons that it was before the Sub-Committee.

The Chairman, members of the Sub-Committee and the Solicitor asked questions of the applicant, relating to two convictions which were detailed in the report, to which the applicant responded.

The Chairman invited the driver to make representations. He provided full details of the convictions, including the reason he had failed to report them with 7 days of receiving them. He also provided details of his current employment and the fact that they supported him.

In response to questions from the Sub-Committee, the driver provided clarification on aspects of his convictions including details of his personal life.

When the Chairman was satisfied that all relevant questions had been raised, he requested that the driver and the Licensing Team Leader leave the meeting whilst the Sub-Committee reached a decision.

**Decision**

In determining the application, the Sub-Committee considered the representation made and the circumstances involved in the convictions outlined in the report. The Sub-Committee felt that the driver was still a fit and proper person to hold a Private Hire / Hackney Carriage (Joint) Driver Licence.

The Licensing Team Leader and the driver were invited to return so that the meeting could be reconvened and were informed of the decision.

**RESOLVED:**

That the driver was a fit and proper person to continue to hold a Private Hire / Hackney Carriage Driver Licence under the Local Government (Miscellaneous Provisions) Act 1976 and that the Licence be granted.

(The meeting started at 10.00 a.m. and ended at 12.12 p.m.)

<b>Approved</b>		<b>Date</b>
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