

LICENSING SUB-COMMITTEE
7 MARCH 2019

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 Thursday, 7 March 2019

PRESENT: **Councillor Tony Sharps (Chairman)**
Councillors David Cox and Mike Reece

ALSO PRESENT: Councillors

OFFICERS OF FLINTSHIRE COUNTY COUNCIL:

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 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 Licensing Team Leader presented the report to consider an application for a Private Hire/Hackney Carriage (Joint) Driver Licence, licensed by the Authority.

The Licensing Team Leader explained that the application had asked for details of any previous convictions and the applicant had disclosed a number of past convictions. On receipt of the applicant's Disclosure and Barring Service (DBS) enhanced criminal records disclosure two convictions, from 1995 and 2013, with five separate offences were shown. Full details of the convictions were appended to the report. The applicant's D199 Data Subject Enquiry report was returned from the Driver and Vehicle Licensing Agency (DVLA) which provided further detail of his offences on his DVLA driver licence which were disclosed by the applicant.

The Licensing Team Leader said the applicant was asked to provide a written explanation of his convictions and this was appended to the report. Due to the nature and the number of convictions the applicant was invited to appear

Approved		Date
-----------------	--	-------------

before the Licensing Sub Committee to determine whether he was a fit and proper person to hold a Joint Driver Licence.

The Chairman referred to the applicant's application for a (Joint) Driver Licence and sought further information around his current and previous employment details, and future ambitions. He questioned the applicant on his application to drive a taxi or Private Hire Vehicle, which involved driving for a considerable amount of time and transporting passengers safely to their destination, and asked if he was successful would he be able to fully understand and converse with passengers regarding their booking and journey. The applicant confirmed that he was able to understand directions and converse with passengers. The Licensing Team Leader explained that the applicant had undertaken a knowledge test of local areas as part of his application process and had achieved a high pass rate.

The Chairman invited the applicant to give a full explanation of his previous convictions as detailed on the Disclosure and Barring Service (DBS) criminal records disclosure. The applicant referred to the written explanation which was appended to the report and provided information on the offences which had been committed.

The Chairman invited members of the Panel to question the applicant. The Panel sought further information from the applicant concerning the circumstances which had given rise to his convictions.

The Solicitor questioned the applicant in detail on his convictions as recorded in his DBS record and his written explanation concerning his convictions in 1996 and 2013. He questioned the applicant in further detail on his written explanation regarding his conviction in 2013 and said he had stated that "neither parties were hurt" at the time of the incident. He asked the applicant about his understanding of the meaning of his statement and to confirm if it was correct. The Solicitor questioned the applicant and asked him to explain the circumstances relating to that offence and the actions that he had taken at the time. The applicant explained that as the convictions had occurred a number of years previously he could not accurately recall all the details around the 2013 offence or the previous offences committed. He provided background information and said that when he had arrived in the United Kingdom he had not fully understood the UK law in relation to road traffic and the driving of private motor vehicles. He said he regretted his previous actions and gave an assurance that if he was involved in any similar motor incident in the future he would react in a responsible manner and in accordance with the UK law.

When asked, the applicant replied that he regarded himself as a fit and proper person to hold a licence. He responded to the questions raised concerning his personal and family circumstances and explained that he wished to provide a better and more stable life for himself and his family.

When the Chairman was satisfied that all relevant questions had been raised, he requested that the applicant, the interpreter, and the Licensing Team Leader leave the meeting whilst the application was determined.

Approved		Date
-----------------	--	-------------

3.1 Determination of the Application

In determining the application, the Sub-Committee considered the Council's guidance on the treatment of convictions, cautions, criminal charges or other recorded sanctions which was appended to the report.

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) Drivers Licence. However, due to the concerns of the panel on the number and nature of the offences and his explanation about the inaccuracies surrounding his explanation for committing a particular offence, it was agreed that a 12 month Private Hire/Taxi Licence be granted rather than the 3 year Licence. On expiry of the 12 month Licence, should the applicant wish to apply for another Licence, they would have to make a fresh Licence and at their own expense including costs and fees arising from checks such as Disclosure and Barring Service (DBS) enhanced criminal records check.

The Licensing Team Leader, applicant, and the interpreter were invited to return and the meeting was reconvened.

3.2 Decision

The Chairman advised the applicant that the Sub Committee had considered all the representations made and decided that he was a fit and proper person to hold a Private Hire/ Hackney Carriage (Joint) Driver's Licence and was granted a 12 month licence. On expiry of the 12 month Licence, should the applicant wish to apply for another Licence, they would have to make a fresh Licence and at their own expense including costs and fees arising from checks such as Disclosure and Barring Service (DBS) enhanced criminal records check.

RESOLVED:

- (a) 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 was granted a 12 month licence; and
- (b) That at the end of the 12 month Licence, in the event the applicant made a new application for a Private Hire/Hackney Carriage (Joint) Driver's Licence, the costs associated with the application including any criminal records and other vetting checks would be at his own expense.

(The meeting started at 10am and ended at 11.40am)

Approved		Date
-----------------	--	-------------