

LICENSING SUB-COMMITTEE
10 APRIL 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 Wednesday, 10 April 2019

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

OFFICERS OF FLINTSHIRE COUNTY COUNCIL: Solicitor, Licensing Team Leader, Democratic Services Support Officer

1. **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

None.

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 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).

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

The Licensing Team Leader presented the report to consider and determine an application for a Private Hire/Hackney (Joint) Carriage Driver Licence. She explained the Application was listed at Appendix A, the Disclosure and Barring Service (DBS) check was listed at Appendix B, the applicant's written explanation was at Appendix C, Newspapers on the drug conviction was at Appendix D and the FCC Guidance on the treatment of convictions, cautions and other recorded sanctions was at Appendix E. She continued to say the applicant was not within the "10 years free of criminal conviction" as outlined in the Guidance.

The Chairman referred to the applicant's prison sentence and asked where she was imprisoned. In response she said initially she was sent to Style Prison and then moved to Durham Lower Newton and finally to York. When asked why she was moved she confirmed it was to enable her to be transferred to an open prison. The Chairman then asked how long she was imprisoned to which she responded she served 3 months in prison, had 3 months wearing a tag and then received 6 months' probation.

The Chairman then asked where she was currently employed and asked if she enjoyed her work. The applicant confirmed she was a Manager at a Garage which she enjoyed but wanted a change of career.

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The Chairman then referred to the Crown Court hearing and to the references provided to court and asked how the applicant found that process. She confirmed she had pleaded guilty so did not need to attend a hearing.

Councillor Cox referred to the severity of supplying Class A drugs and asked if the applicant used drugs and what prompted her to agree to receive these packages. In response the applicant said she had never taken drugs and remembered from school the sad story of Leah Betts. She had met the two men when she was 15 years old and they struck up a friendship which had developed over years. Later when she had her son and was a single mum living with her sister and nephew surviving on benefits she was approached by them to earn some money by taking delivery of the packages.

The Chairman asked how old her son was now and she confirmed he was 18 years old and attending College.

The Solicitor referred to page 13 of the bundle, the DBS report which outlined the two convictions in 1998 and asked the applicant to provide the Panel with the background to these. She responded saying a male friend of hers had split up with his girlfriend and the applicant was arrested for sticking two fingers up at the ex-girlfriend and was convicted for gesticulation. When asked by the Chairman why this offence was not included in the application form she admitted she had forgotten as it was so long ago.

The Solicitor then referred to the drugs conviction and asked how she met these men. In response she confirmed she was 15 years old and met them at the local petrol station. They gradually became friends and were invited to family parties etc. She had no inclination of what was to come as one of the men was an English Teacher. One Christmas when her son was 10 years old she was struggling for money they approached her and the parcels starting arriving from Jamaica every three weeks or so.

She was asked if it was explained to her what was in the parcels to which she said they did not but she was concerned what she was doing was illegal.

The Solicitor asked her what made her question. She replied say the parcels had started to be delivered more regularly and were labelled hair products. After two to three months she told them she wanted to stop but they then threatened her saying they knew where all her family lived. The men carried weapons and she was too frightened so it carried on. 8 months later when one of the packages was mistakenly delivered to a neighbour who opened it and that was when the Police became involved.

A question was asked how much she was paid to which she answered £500 per package. The applicant was then asked how often she received these to which she responded to say one every three weeks for nearly a year.

The applicant said she knew what she was doing was not right but did not know they were Class A drugs until she was arrested. She explained the Police

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originally came to arrest her Sister but she told the Police everything and was arrested. The Solicitor asked if she felt vulnerable and she said she feared for her family's safety.

The Solicitor then asked on reflection what was her view of the seriousness of the situation now. In response the applicant felt stupid saying she was immature and took risks with her son's safety and that of her family and should have opened the parcels. She deeply regrets this part of her life.

The Solicitor explained the Panel had to decide if she was a fit and proper person to hold a Licence and asked the applicant to state why she felt she was a fit and proper person to hold a licence. In response the applicant told the Panel she had been working for a number of years progressing to Manager at the garage. She was financially secure and had turned her life around but wanted a change in career. She enjoyed driving had been told she was good with people. She also worked with children at the Cricket Club

When asked if she had ever taken drugs or drank alcohol. The applicant replied she had never taken drugs but did drink alcohol occasionally.

The Solicitor asked since leaving prison have these two men tried to contact you again. The applicant confirmed they had not saying one of the men had been deported and she did not know what happened to the other man

The Solicitor then referred to page 14 in the pack the DBS 2 offences on 1st August 2008 and 17th August 2008 and sought clarification from the applicant. The applicant apologised saying she did not know what these related to.

3.1 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.

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

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.

3.2 Decision

The Chairman advised that, having considered the representations made, the Panel agreed that the applicant was a fit and proper person and could be granted a Private Hire/Hackney Carriage Driver Licence.

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The Chairman advised the applicant that the Sub Committee had considered all the representations made and decided that she 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, she would have to make a fresh Licence which would be at her own expense, including costs and fees arising from checks including a Disclosure and Barring Service (DBS) enhanced criminal records check.

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 2.00 pm and ended at 3.00 pm)

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