

LICENSING SUB-COMMITTEE
25 JULY 2019

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held in the Delyn Committee Room, County Hall, Mold CH7 6NA on Thursday, 25 July 2019

Present: Councillor Tony Sharps (Chairman)

Councillors: Brian Lloyd and Ralph Small

Officers of Flintshire County Council:

Solicitor, Licensing Team Leader, and Democratic Services Officer

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 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).

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. She explained that the application had asked for details of any previous convictions and on the applicant's Disclosure and Barring Service (DBS) enhanced criminal records disclosure a number of convictions and separate offences were shown. Full details of the convictions were appended to the report. The applicant was asked to provide a written explanation of his convictions and his response was also appended to the report. The applicant was

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invited to appear before the Licensing Sub Committee to determine whether he was a fit and proper person to be granted a (Joint) Driver Licence.

The Chairman asked the applicant to explain the circumstances surrounding his previous convictions. The applicant said he deeply regretted the offences which had occurred at a difficult time during his youth and referred to his family background at that time. He emphasised that he had not committed any offence since his last conviction in 2005 and had taken steps to improve his life and was a hardworking and law abiding person who had a family to support.

In response to the questions from the Panel, the applicant provided further details of his previous convictions and the circumstances which had given rise to them.

The Solicitor questioned the applicant about his employment history and asked him why he had not provided details of his convictions on his application form. The applicant explained that the offences were old and he did not have the information on his previous DBS record at the time of completing his application but had voluntarily sent this to the Licensing Officer at a later date.

The Solicitor referred to the conviction for possession of an imitation firearm in a public place and questioned the applicant in detail around the circumstances of the offence. The Solicitor asked the applicant to give a description of the imitation firearm to assist the Panel. The applicant explained that the offence had occurred due to a misunderstanding by a police officer of the situation and the reason why he had a replica firearm in his possession. The context in which he had the imitation firearm was explained, including that he was at that time playing with his young children with the PP pellet toy gun. It was explained that the law changed to include those type of pellet toy guns and the change in law took effect about two days prior to the police action which he thought was unfair given the circumstances. He drew attention to the fine he had received for the conviction which he felt indicated that this had been a minor offence.

The Solicitor asked the applicant if he experienced any difficulty with controlling aggression. The applicant reiterated that he deeply regretted the convictions he had committed during his youth which were due to his personal situation at that time and said his last conviction had occurred due to a misunderstanding of the circumstances. He considered himself to be a fit and proper person to hold a licence and wished to be able to take on additional work in the future to financially support his family.

When questioned by the Chair the applicant provided details of his current family situation. He spoke of his satisfaction and the lifestyle benefits he had gained in his previous employment as a taxi driver in another local authority and commented on his future employment prospects if the licence was granted.

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

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, cautions, and criminal charges. In considering all the circumstances involved in the applicant's convictions record, the time which had lapsed since the convictions, his positive record of employment, and the steps he had taken to improve his life as well as his sincerity, the Panel was of the view that the applicant was now a fit and proper person to hold a Private Hire/Hackney Carriage (Joint) Driver Licence for a three year period.

The Licensing Team Leader and 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 had given a full and credible account of his previous convictions and could be granted a Private Hire/Hackney Carriage (Joint) Driver Licence for three years.

RESOLVED:

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

(The meeting started at 10.00 am and ended at 11.05 am)

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