

LICENSING SUB-COMMITTEE
19 DECEMBER 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, 19 December 2019

PRESENT: Councillor Tony Sharps (Chairman)
Councillors: David Cox and Ralph Small

OFFICERS OF FLINTSHIRE COUNTY COUNCIL:
Solicitor, Licensing Team Leader, and Committee Officer

Applicant
Interested Party

Prior to the start of the meeting the Licensing Team Leader explained that the applicant had asked that her prospective employer be present at the meeting. When questioned by the Chair the applicant confirmed that she wished her potential future employer to be present during the hearing.

The Chair welcomed the applicant and the Interested Party and introduced the Members of the Sub-Committee and the Council's Officers. He explained the procedure for the hearing, including how the application would be determined.

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 past conviction. However, on receipt of the applicant's Disclosure and Barring Service (DBS) enhanced criminal records disclosure three convictions from 1999 and 2004, with

eight separate offences were shown. Full details of the applicant's offences were shown in Appendix B of the report.

The Licensing Team Leader said the applicant was asked to provide a written explanation of her convictions and her failure to disclose all of them when requested to do so on the form. The explanation was appended to the report. Due to the nature of the convictions, particularly in relation to the instances of common assault and instances of assault on a Police Officer, the applicant was invited to appear before the Licensing Sub Committee to determine whether she was a fit and proper person to hold a Joint Driver's Licence.

The Chairman invited the applicant to give a full explanation of her previous convictions, as detailed on the Disclosure and Barring Service (DBS) criminal records disclosure. He asked her to give details of her personal circumstances, and family and employment history. The Chairman referred to the allegation the applicant had made against other persons in 2004 and asked her to give a full account of her actions at that time and the reasons why she had made the allegation. He also asked her to explain why she had not taken reported such a matter of serious concern to the Police or other authority for investigation. The applicant said she deeply regretted her behaviour and referred to her written explanation which was appended to the report. She said she regretted not reporting the allegation at the time and had acted on information given to her by a trusted third party and had decided to take "matters into her own hands" instead.

The Chairman asked the applicant to explain her current situation regarding her family, domestic arrangements, and employment aspirations. The applicant said she had a stable family life and held responsibilities as a main carer. She also undertook voluntary work at a playscheme and charitable work in her spare time. She wished to seek employment as a private hire/hackney carriage driver to supplement the household income and enable her to work flexible hours around her family's needs. She reiterated that she deeply regretted her actions in her youth and explained this had been due to a "troubled" upbringing.

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 her convictions and the two offences of assault on a Police Officer. The Panel also questioned the applicant about her background and failure to report the allegation against other persons to the appropriate authorities.

The Solicitor questioned the applicant in detail about her application and asked her to explain why she had omitted to provide details of all her convictions and offences on the form. The applicant said she had not intended to deceive but had not realised that the previous offences needed to be recorded on the application as they had been committed many years previously and she was unable to remember the details.

The Solicitor referred to her conviction in 2004 and asked the applicant if she fully understood the serious nature of the allegation she had made against other persons and to explain why she had not reported this to the Police or Social Services for investigation. He asked the applicant to describe in detail the circumstances which gave rise to her conviction for assault on a Police Officer.

He questioned the applicant and asked if her actions had been due to drinking alcohol and if she had alcohol related issues. The applicant acknowledged that she had acted under the influence of alcohol on the date of the conviction in 2004 and reiterated that she had wrongly decided to “take matters into her own hands”. She stated that she did not have an alcohol dependency condition and had not committed any offence since. She emphasised that she had a stable family life and had responsibilities as a main carer for a family member.

When the applicant was asked how she would deal with anti-social behaviour if her application for a Joint Driver’s Licence was granted she said she would do her utmost to support and calm the individual and avoid escalation of the problem.

The Solicitor questioned the applicant on her employment history. The applicant provided details of her previous employers and said she had also worked abroad for a short period of time. She explained that although she remained a carer for a close family member she was now also able to consider some additional employment. When asked if she regarded herself as a fit and proper person to hold a Driver’s licence the applicant said she was and that she regretted her past actions and wanted to provide a better life for her family.

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

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) Driver’s Licence. However, due to the concerns of the Panel on the nature of the offences it was agreed that a 12 month Private Hire/Taxi Licence be granted, for a probationary period of 6 months, rather than the 3 year Licence. On expiry of the 12 month Licence, should the applicant wish to apply for another Licence, she would have to make a renewal application for a Licence at her own expense including costs and fees arising from checks such as Disclosure and Barring Service (DBS) enhanced criminal records check.

The Licensing Team Leader, the applicant, and the interested party 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 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, with a probationary period of 6 months. On expiry of the 12 month Licence, should the applicant wish to apply for another Licence, she would

have to make a renewal application for a Licence at her 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 for a probationary period of 6 months; 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 her own expense.

(The meeting started at 2.00 pm and ended at 15.45 pm)