

LICENSING SUB-COMMITTEE
5 NOVEMBER 2020 (10AM)

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held as a remote attendance meeting on Thursday, 5 November 2020

Present: Councillor Tony Sharps (Chairman)

Councillors: Adele Davies-Cooke and Ralph Small

Officers of Flintshire County Council:

Licensing Team Leader (Gemma Potter), Democratic Services Team Leader (Nicola Gittins) and Democratic Services Officer (Sharon Thomas)

Legal Officers

Solicitor (Tim Dillon)

Trainee Solicitor (Elen Williams) observing

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 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 drew attention to the relevant sections of the Council's adopted guidance on the treatment of convictions, cautions and other recorded sanctions.

In response to questions from the panel, the applicant provided background information on events in his personal life leading up to his conviction. In his letter of representation, he made no excuses for his behaviour and had taken it upon himself to seek help as a result of this single incident. He provided explanation on his employment record and his current personal circumstances which led to his application.

Members of the panel thanked the applicant for his honesty and clarity in recounting the circumstances surrounding his conviction.

The Solicitor explained that the nature of the conviction had prompted the hearing. In response to questions, the applicant provided further clarification on the timing and circumstances relating to the offences leading to his conviction. He expressed regret at his actions which he said had been influenced by the events in his personal life. He said that his decision to seek help after his conviction had broadened his understanding of mental health issues and that he had taken learning from the whole experience. He confirmed that he had no issues with alcohol or anger management. In support of his application, he spoke about his approach to dealing with and defusing potentially difficult situations if he was granted the licence.

When asked by the Chairman if he wished to make further representations, the applicant thanked the panel for considering his application.

When the Chairman was satisfied that all relevant questions had been raised, he asked that the applicant and the Licensing Team Leader leave the meeting to enable the panel to reach a decision.

5.1 Determination of the Application

In determining the application, the panel considered all the written and verbal representations together with the Council's Guidance on the Treatment of Convictions, Cautions, Criminal Charges or other recorded sanctions, including paragraphs 2.3, 4.1 and 4.19 of the said guidance.

In considering the information shown on the applicant's Disclosure and Barring Service (DBS) certificate, in particular the time which had lapsed, the applicant's regret at this isolated incident and the fact that he had not contested it, the panel felt that - on balance - he was a fit and proper person to hold a Private Hire/Hackney Carriage (Joint) Driver Licence.

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 as well Flintshire County Council's Guidance on the Treatment of Convictions, Cautions, Criminal Charges or other recorded sanctions, the panel agreed that the applicant was a fit and proper person to hold a licence and that he could be granted a Private Hire/Hackney Carriage Driver Licence for three years.

RESOLVED:

That the applicant is, on the balance of probabilities, 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 for three years.

(The meeting started at 10am and ended at 11.05am)

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Chairman