

LICENSING SUB-COMMITTEE
1 SEPTEMBER 2021 (11.55AM)

Minutes of the remote attendance meeting of the Licensing Sub-Committee of Flintshire County Council held on Wednesday, 1 September 2021

Present: Councillor Tony Sharps (Chairman)

Councillors: Ron Davies and Ralph Small

Officers of Flintshire County Council:

Licensing Officer (James Lowe) and Democratic Services Officer (Sharon Thomas)

Legal Officer

Solicitor (Matt Powell)

Applicant

1. APOLOGIES

None. The Chairman took the opportunity to apologise to the applicant for the delay to the start of the meeting.

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. CONDUCT AND CONVICTION OF A PRIVATE HIRE/HACKNEY CARRIAGE (JOINT) DRIVER

The Licensing Officer presented the report to consider the conduct of a Private Hire/Hackney Carriage (Joint) Driver in respect of recent convictions. He drew attention to relevant sections of the Council's adopted guidance on the treatment of convictions, cautions and other recorded sanctions as set out in the report. The panel was made aware of the applicant being cautioned for an offence some years earlier (2011) which, in line with the guidance, was taken into

consideration when the applicant applied for the licence and had not affected the licence being granted at that time.

In response to questions from the panel, the applicant provided information about the recent convictions and background on the previous caution which he described as an isolated incident. As stated in his written representation, he spoke of his regret at the recent convictions and explained that this was partly due to an alleged unfortunate coincidence. He said that he understood the seriousness of the offences and also provided clarification on his personal circumstances.

When asked by the Chairman if he wished to make further representations, the applicant said that his behaviour resulting in the recent conviction was out of character.

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

5.1 Determination of the Application

In determining the application, the panel considered the applicant's recent convictions, the written and verbal representations together with the Council's Guidance on the Treatment of Convictions, Cautions, Criminal Charges or other recorded sanctions. The panel was not satisfied that - on balance - the applicant was a fit and proper person to hold a Private Hire/Hackney Carriage (Joint) Driver Licence and determined that it should be revoked.

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

5.2 Decision

The Solicitor confirmed the decision (below) and before closing the meeting, the Chairman confirmed the applicant's right to appeal.

RESOLVED:

Having taken into account the contents of the report, the record of convictions, the representations made by the licence holder including his letter dated 19 August 2021, and haven given regard to the Guidance on the Treatment of Convictions, the Sub Committee has determined that on a balance of probabilities the licence holder is no longer a 'fit and proper' person within the meaning of the Local Government (Miscellaneous Provisions) Act 1976 to continue to hold a Private Hire / Hackney Carriage (Joint) Driver Licence and his licence should be revoked. The Sub Committee has not taken into account the Caution in 2011.

(The meeting started at 11.55am and ended at 12.40pm)

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Chairman