

**LICENSING SUB-COMMITTEE**  
**24 FEBRUARY 2022**

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held remotely on Thursday, 24 February 2022

**Present: Councillor Tony Sharps (Chairman)**

Councillors: Ron Davies and Ralph Small

**Officers of Flintshire County Council:**

Licensing Team Manager (Gemma Potter) and Democratic Services Officer (Sharon Thomas)

**Legal Officer:**

Solicitor (Matt Powell)

Applicant

**Apologies:**

None

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

None.

**2. 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).

**3. HEARING AND DETERMINATION OF THE APPLICATION**

The Chairman welcomed the applicant and introduced the panel members.

**4. CONDUCT OF A PRIVATE HIRE/HACKNEY CARRIAGE (JOINT) DRIVER**

The Licensing Team Manager presented the report to consider an application for a Private Hire/Hackney Carriage (Joint) Driver Licence in respect of information on the applicant's Disclosure and Barring Service (DBS) certificate relating to a caution some years ago. As the applicant had initially failed to disclose the information on his application, he had been asked to provide written statements on the matter which were included in the agenda pack. The report highlighted relevant sections of the Council's adopted guidance on the treatment of convictions, cautions and other recorded sanctions to enable the panel to determine whether the driver was a fit and proper person within the meaning of the Local Government (Miscellaneous Provisions) Act 1976 to hold a licence.

When asked, the applicant confirmed that he had received a copy of the agenda. He was then invited by the Chairman to speak on the contents of the report.

The applicant apologised for crossing out section 5 of the application (listing any convictions or cautions) and that he had done so, not realising that the caution had remained on his DBS after such a long time. In support of his application, he stated that he was a good, hard-working person who wished to support his family. Having initially sought legal advice over the telephone with a local solicitor, he had been content to make his own representations at this hearing to explain the situation more fully.

The Council's Solicitor was then invited to address the applicant. In response to questions, the applicant confirmed that with assistance, he had completed the form himself. He was invited to read out his written statement in which he advised that he was in the process of applying to have the caution removed from his DBS due to the length of time that had lapsed. He also provided background to the events leading to the caution and on the two speeding offences which he had referred to within his written statement.

In response to questions from the panel, the applicant shared details of his current and previous employment including various roles and responsibilities where he was held in good regard. He assured the panel that his failure to fully complete the form was not an act of deception and that he had maintained a clean record since. He said that a taxi company who were aware of his situation had indicated their willingness to employ him, subject to the licence being granted, which he felt demonstrated faith in him as an employee. When it was pointed out that the company had not signed the application form to declare this, the Licensing Team Manager explained that this would be addressed if and when the licence was granted. During the meeting, written documentation from the taxi company was shared to confirm the offer of employment to the applicant.

When asked if he wished to make any further representations, the applicant again apologised for omitting section 5 of the application form. He reiterated his personal circumstances and assured the panel that he did not pose a danger to anyone and was keen to prove this.

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

#### **4.1 Determination of the Application**

In determining the application, the Sub-Committee considered the applicant's written and verbal representations together with the Council's Guidance on the Treatment of Convictions, Cautions, Criminal Charges or other recorded sanctions.

Whilst the Sub-Committee had due regard to the seriousness of the caution, they also took into consideration the fact that the matter had not been taken further, the detailed explanations given by the applicant and the time which had since lapsed. On that basis, the Sub-Committee was satisfied that - on

balance - the driver was a fit and proper person to hold a Private Hire/Hackney Carriage (Joint) Driver Licence.

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

#### **4.2 Decision**

The Solicitor read out the decision of the Sub-Committee (below) and before closing the meeting, the Chairman confirmed the applicant's right to appeal.

#### **RESOLVED:**

After carefully considering all the relevant information, the Sub-Committee has determined that the applicant should be granted a Private Hire / Hackney Carriage (Joint) driver's licence for a period of three years, on condition that a further enhanced DBS is carried out after 12 months at the expense of the applicant.

In coming to this decision, the Sub-Committee had regard to the seriousness of the offence, but also the explanation provided by the applicant, the disposal of it by way of a caution and the considerable amount of time that has passed since the events and the applicant's evidence of good character thereafter.

On balance, the Sub-Committee is satisfied that the applicant is a fit and proper person within the meaning of the Local Government (Miscellaneous Provisions) Act 1976.

(The meeting started at 10am and ended at 11.30am)

.....  
**Chairman**