

**LICENSING SUB-COMMITTEE**  
**18 SEPTEMBER 2023**

Minutes of the Licensing Sub-Committee of Flintshire County Council held as a remote attendance meeting on Monday 18 September at 9.30am

**Present:**

Councillors: Rosetta Dolphin (Chair), Marion Bateman and Mared Eastwood

**Officers of Flintshire County Council:**

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

**Legal Officer**

Henry Skudra

Applicant

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

The Chair welcomed the Applicant and introduced the Sub-Committee Members. She explained the procedure for the hearing including how the application would be determined.

**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. 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 also advised that as requested, the Applicant had provided details of his probation which were shared with the Sub-Committee.

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

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

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

The Chair advised that Members of the Sub-Committee had regard to all the information including the details of convictions, the Council's policy on convictions, the written information provided as well as the explanations given by the Applicant. The Sub-Committee had regard to the Applicant's previous convictions, their nature and the passage of time since the battery conviction.

The Sub-Committee determined that they had no good reason to depart from the guidance relating to a period of five years elapsing after a conviction for violence. It also noted that the Department for Transport guidance stated ten years.

In addition, whilst it took into account that clinically there were no signs of alcohol dependence or withdrawal in the medical, it also noted that the Applicant had initially stated he was virtually abstinent but at a recent medical it was noted that he consumed up to 12 units of alcohol per week.

The Applicant also confirmed to the Sub-Committee that he had also incurred further road traffic convictions. This concerned the Sub-Committee due to the repeated nature of the offending, although minor, having regard to the relevant guidance.

The Sub-Committee was not satisfied on the balance of probability that the Applicant was a fit and proper person under the Local Government (Miscellaneous Provisions) Act 1976 to hold a Hackney Carriage and Private Hire Driver's Licence. It was unanimously resolved that the application be refused.

#### **4.2 Decision**

That the application be refused as the Sub-Committee was not satisfied the Applicant was a fit and proper person to hold a Hackney Carriage and Private Hire Driver's Licence within the meaning of the Local Government (Miscellaneous Provisions) Act 1976.

Having read out the decision of the Sub-Committee (as above) and before closing the meeting, the Chair advised the Applicant that he had the right of appeal against the decision and that the decision would be issued to him in writing.

(The meeting started at 9.35am and ended at 10.50am)

.....  
**Chair**