

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 11.15am

Present:

Councillors: Rosetta Dolphin (Chair), Marion Bateman and Richard Lloyd

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.

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 policies on convictions and the statutory guidance as well as the explanations given by the Applicant. This also included that the Applicant would deal with a similar situation where he had received an assault conviction by resorting to violence once more.

The Sub-Committee had regard to both the number and nature of the Applicant's previous convictions as detailed in the report. Whilst the Applicant had not been before a Court for several years, the Sub-Committee noted the guidance in relation to repeat offending.

The Sub-Committee determined that whilst the Applicant was relatively young at the time, he was still an adult and unfortunately went on to continue to offend. Furthermore, the more recent convictions also related to his ability to drive and follow appropriate licence conditions and insurance.

The Sub-Committee could not ignore the guidance in relation to repeat offending nor in relation to offences of violence.

Accordingly, 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 11.15am and ended at 12.03pm)

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Chair