

LICENSING SUB-COMMITTEE
23 OCTOBER 2023

Minutes of the Licensing Sub-Committee of Flintshire County Council held as a remote attendance meeting on Monday 23 October at 10.30am

Present:

Councillors: Rosetta Dolphin (Chair), Mared Eastwood and Rob Davies

Officers of Flintshire County Council:

Licensing Team Leader (Gemma Potter) and Democratic Services Officer (Janet Kelly)

Legal Officer

Matthew Powell

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.

The Panel Members asked a number of questions to which the Applicant provided detailed responses.

The Solicitor sought clarification on whether the wording at points 4.13 and 4.15 covered this offence. It was confirmed that this was an unusual offence and that the guidance referred to in the report offered some insight but could not cover every criteria.

The Solicitor then proceeded to ask on a number of points which related to his previous convictions and driving offences and failure to disclose the same on the application. Clarification was obtained with regard to the circumstances leading up to the conviction and timeline since his release from Prison and any mitigating circumstances.

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.

Members of the Sub-Committee had regard to all information including the details of convictions, the Council's policy on convictions, the DFT Standards as well as the explanations given by the Applicant.

The Sub-Committee considered all the previous convictions. They were satisfied that the ones between 1968 to 1976 were historic and of no real relevance but considered that the conviction in 2011 was relevant both in terms of the date of the conviction and the nature of the offence. They had regard to the explanations provided by the Applicant about the circumstances surrounding this conviction but the members did not consider that this mitigated the fact that he was convicted. The members had regard to the Council's guidance on convictions but did not consider that it provided any assistance to them with regards to this type of offence however the DFT Standards were of some assistance to them and they had regard to the guidance that a licence will not be granted to an applicant unless at least 10 years has elapsed since the completion of the sentence for certain offences of a similar nature. The Applicant was unable to provide the date of completion of the custodial sentence but did provide evidence that he had completed his custodial sentence by at least October 2014.

The members also considered it relevant that there were other sanctions imposed as a result of the 2011 conviction and were of the view that the period of time since completion of the custodial sentence was only one of the relevant factors. They considered that the conviction was serious and this was indicated by the nature of the sentence. The members also had regard to the fact that the applicant had not provided details of his prior convictions on his application form and on balance were not satisfied with his explanation in this regard. In all the circumstances were not satisfied that on a balance of probability that the applicant is a fit and proper person under the Local Government (Miscellaneous Provisions) Act 1976 to hold a Hackney Carriage and Private Hire Driver's Licence.

4.2 Decision

The Members unanimously resolved that the application for a Private Hire / Hackney Carriage (Joint) Driver Licence be refused.

(The meeting started at 10.30 am and ended at 13.07 pm)

.....
Chair