
GENERAL LICENSING SUB COMMITTEE 21/04/23

Present:

Councillors: Councillor Annwen Hughes (Chair)
Councillors Huw Rowlands and Elfed Williams

Officers: Siôn Huws (Senior Solicitor), Gwenan Mai Roberts (Licensing Manager), Nicola Williams (Licensing Officer - observing) and Lowri Haf Evans (Democracy Services Officer)

1. APOLOGIES

None to note

2. DECLARATION OF PERSONAL INTEREST

None to note

3. URGENT ITEMS

None to note

4. EXCLUSION OF PRESS AND PUBLIC

It was RESOLVED to exclude the press and public from the meeting during the discussion on the following items due to the likely disclosure of exempt information as defined in paragraphs 12 and 13, Part 4, Schedule 12A of the Local Government Act 1972. These paragraphs applied as the individuals in question were entitled to privacy and there was no overriding public interest that required the disclosure of personal information relating to those individuals, or their identities. Consequently, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

5. APPLICATION FOR A HACKNEY/PRIVATE HIRE LICENCE

The Chair welcomed everyone to the meeting. She explained that the decision would be made in accordance with Cyngor Gwynedd's licensing policy. It was noted that the purpose of the policy was to set guidelines for the criteria when considering the applicant's application, with the aim of protecting the public by ensuring that:

- The person is a fit and proper person
- The person does not pose a threat to the public
- The public are safeguarded from dishonest persons
- Children and young people are protected
- The safeguarding of vulnerable persons
- The public can be confident in using licensed vehicles.

The Licensing Officer presented a written report on the application received from Mrs A for a hackney/private hire vehicle driver's licence. The Sub-committee was asked to consider the application in accordance with the DBS record, the guidelines on relevant criminal offences and convictions, and the report of the DVLA.

The Licensing Authority recommended that the Sub-committee should approve the application. The applicant's driving licence was a clean licence.

The applicant was invited to expand on the application and provide information about the background of the offences and her personal circumstances. She noted that she had been going through a difficult time and it was one domestic incident that had led to the convictions in March and May 2014. At the time, she had also been suffering with medical problems and following the incident, she received support and treatment to recover. She made reference to her work as a licensed passenger supervisor who was responsible for assisting taxi drivers who carried vulnerable passengers/children on Cyngor Gwynedd Education Department school contracts.

RESOLVED that the applicant is a fit and proper person to be issued with a hackney/private hire vehicle driver's licence from Cyngor Gwynedd.

In reaching its decision, the Sub-committee considered the following:

- The requirements of 'Cyngor Gwynedd's Licensing Policy for Hackney Carriages and Private Hire Vehicles'
- The applicant's application form
- The Licensing Department's report, together with the DBS statement and the DVLA's report
- The applicant's verbal representations

Specific consideration was given to the following matters:

Background

In March 2014 the applicant was found guilty of driving a car with excess alcohol contrary to the Road Traffic Act 1988 S.5 (1) (A). She was fined £110, ordered to pay costs of £85 and disqualified from driving for 17 months. The offence was committed on 27-02-2014

In May 2014, the applicant was found guilty of common assault, contrary to the Criminal Justice Act 1988 S.39. She was given a fine of £55, costs of £200 and a Prevention Order - Safety from harassment on conviction until a further order. The offence was committed on 27-02-2014

RELEVANT CLAUSES OF THE POLICY

Paragraph 2.2 of the Council's Policy was considered, which states that a person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but he will be expected to have been free of any conviction for an appropriate period as stated in the Policy, and to show evidence that he is a fit and proper person to hold a licence. The onus is on the applicant to prove that he is a fit and proper person. Paragraph 2.4 states that when an applicant has a conviction(s) or there are other related matter(s) to be considered in connection with that, the Council cannot review the merits of the conviction or the other matter.

Paragraph 4.5 was considered which states that the Rehabilitation of Offenders

Act 1974 (Exceptions) (Amendment) Order 2002 allows the Sub-committee to take into account all convictions recorded against an applicant, whether spent or otherwise, under the 1974 Act.

Paragraph 6.0 of the Policy addresses violent offences. Paragraph 6.1 states that, since licensed drivers come into close contact regularly with the public, the sub-committee shall adopt a firm stance towards those who have offences involving violence.

Paragraph 6.2 notes that anyone found guilty of an offence relating to violence is unlikely to be granted a licence until they have been free from such a conviction for a minimum of three years. However, when considering the range of offences relating to violence, the nature of the offence must be considered.

Paragraph 11.0 which addressed drink-driving offences, was considered. In paragraph 11.1, it is noted that a serious view would be taken of convictions for driving or being responsible for a vehicle under the influence of alcohol / drugs. Any one who is found guilty of offences relating to drink-driving is unlikely to receive a licence until they have been free from a conviction(s) for at least three years.

CONCLUSIONS

The Sub-committee considered the applicant's explanation of the circumstances that had led to the 2014 conviction, and the officers' recommendation to approve the application.

The Sub-committee came to the conclusion that the 2014 conviction was a violent offence for the purpose of the Policy, and that sufficient time had elapsed (three year threshold) since the applicant was found guilty. The applicant's explanations and the reasons for her behaviour in 2014 were considered and it was accepted that she wanted to put the matter behind her and to move on. The applicant was thanked for being open and honest when she explained the incident in 2014.

Having considered the nature of the offence, the sentence given and the fact that there was no further history of offending, there were no compelling reasons for not following the authority's policy and to approve the application in this case.

The Sub-committee determined in favour of approving the application and it was determined that the applicant was a fit and proper person to hold a hackney and private hire vehicle driver's licence.

The Solicitor reported that the decision would be confirmed formally by letter to the applicant.

The meeting commenced at 10.00 am and concluded at 10.30 am

CHAIRMAN