
GENERAL LICENSING SUB COMMITTEE 26/10/23

Present:

Councillors: Councillor Elfed Williams (Chair)
Councillors Edgar Owen and Gareth Williams

Officers: Sion Huws (Senior Solicitor), Nicola Williams (Licensing Officer) and Lowri Haf Evans (Democracy Services Officer)

Others invited: Councillor Alan Jones Evans (Observing)

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. He highlighted 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 safeguarded
- Vulnerable people are safeguarded
- The public can be confident in using licensed vehicles

The Licensing Officer presented a written report on an application received from Mr A for a hackney carriage/private hire driver's licence. The Sub-committee was requested to consider the application in accordance with the relevant convictions.

The Licensing Authority recommended that the Sub-committee should approve the application.

The applicant was invited to expand on the application and provide information about the background of the offences and his personal circumstances. He noted that both cases had happened when he was young - about 27 years ago - historical, and nothing since then. By now, he was self-employed, a father and a grandfather.

RESOLVED that the applicant was 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 report of the Licensing Department
- DBS Statement
- The report of the Driver and Vehicle Licensing Agency (DVLA)
- The applicant's application form
- Verbal observations by the applicant

Specific consideration was given to the following matters

Background

In November 1992, he received a conviction for a crime of causing actual bodily harm contrary to the Offences Against the Person Act 1861.

In September 1996, he received a conviction for a crime of causing actual bodily harm contrary to the Offences Against the Person Act 1861.

RELEVANT CLAUSES OF THE POLICY

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

Paragraph 4.5 was considered which stated that the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 allowed the Sub-committee to take into account all convictions recorded against an applicant, whether spent or otherwise, under the 1974 Act.

Paragraph 6.2 noted that anyone found guilty of an offence relating to violence was unlikely to be granted a licence until they had been free from such a conviction for a minimum of three years. However, when considering the range of offences involving violence, consideration must be given to the nature of the offence.

Paragraph 6.6 of the Policy stated that an application would normally be refused if an applicant had more than one conviction for an offence of a violent nature within the last ten years.

CONCLUSIONS

The Policy's provisions, the applicant's explanation of his circumstances and the Licensing officer's recommendation were considered to approve the application.

Under the authority's policy, it was considered that enough time had elapsed since the last conviction to consider granting the licence. The Policy noted that there was a requirement for at least 10 years to have passed - in this case, 27 years had passed. The Sub-committee considered the evidence given in the hearing, the fact that the applicant did not have any further history of crime or any evidence of other relevant problems. There was therefore no reason to refuse the application.

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.

6. APPLICATION FOR A HACKNEY/PRIVATE HIRE LICENCE

The Chair welcomed everyone to the meeting. He highlighted 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 safeguarded
- Vulnerable people are safeguarded
- The public can be confident in using licensed vehicles

The Licensing Manager submitted a written report on the application received from Mr B for a hackney/private hire vehicle driver's licence. The Sub-committee was requested to consider the application in accordance with the relevant convictions. It was noted that the applicant was a Licensed Hackney/Private Hire Driver until 02-01-2023, but he did not renew his licence. It was reiterated that he had not stated his penalty points on his application, but he had written a note stating that he had six penalty points.

The Licensing Authority recommended that the Sub-committee should approve the application.

The applicant was invited to expand on the application and provide information about the background of the penalty points that he received for speeding. He noted that he accepted that both cases were close to each other and apologised for that. He reiterated that the reason for this was lack of concentration - doing 33mph in one case and 34mph in another case in a 30mph zone.

RESOLVED that the applicant was 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 report of the Licensing Department
- DBS Statement
- The report of the Driver and Vehicle Licensing Agency (DVLA)
- The applicant's application form
- Verbal observations by the applicant

Specific consideration was given to the following matters

Background

In February 2022, the applicant received three penalty points (SP30) for breaching the speed limit on a public road - these points expire in February 2025.

In December 2022, the applicant received three penalty points (SP30) for breaching the speed limit on a public road - these points expire on 19 December 2025.

RELEVANT CLAUSES OF THE POLICY

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

Paragraph 4.5 was considered which stated that the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 allowed the Sub-committee to take into account all convictions recorded against an applicant, whether spent or otherwise, under the 1974 Act.

Section 13 of the Policy related to minor traffic offences and mainly referred to offences that were not listed in paragraph 12.2 of the Policy.

Paragraph 13.3 stated that "More than one minor traffic conviction or other matter to be considered may result in a refusal, particularly where there are several convictions or other matters to be considered for the same offence e.g., speeding. A licensed driver may be referred to the Licensing Sub-committee where there are more than two offences and/or a total of six points on a licence."

CONCLUSIONS

The Policy's provisions, the applicant's explanation of the circumstances and the Licensing officer's recommendation were considered to approve the application.

Under the authority's policy, the evidence provided by the applicant and that he had been driving at a speed of 34 and 33 m.p.h in 30 m.p.h zones were considered. He had acknowledged that these were mistakes and apologised.

The Sub-committee determined in favour of granting 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 3.15 pm and concluded at 4.00 pm

CHAIRMAN