

GENERAL LICENSING SUB-COMMITTEE 15.12.2016

Present: Councillor Eryl Jones Williams (Chair), Councillors Annwen Hughes and John Brynmor Hughes

Officers: Geraint B Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager), and Lowri Haf Evans (Member Support Officer).

1. WELCOME and APOLOGIES

The Chair, Councillor Eryl Jones Williams, welcomed everyone to the meeting. The panel and the officers were introduced to everyone present.

2. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any members present.

3. URGENT ITEMS

None to note

4. EXCLUSION OF PRESS AND PUBLIC

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 12 A, 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, nor their identities. Consequently, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

5. APPLICATION FOR HACKNEY / PRIVATE HIRE DRIVER'S LICENCE

- a) The Licensing Manager presented the written report on the application received from Ms A for a new hackney/private hire driver's licence.
- b) It was reiterated that a statement of convictions had been submitted and the statement noted that the applicant had a conviction that was relevant to licensing taxi drivers. The Committee was asked to consider the application in accordance with the DBS record, and in accordance with the guidelines on relevant crimes and convictions.
- c) The applicant was invited to expand on her application. She expanded on the background to her conviction and noted her wish to be employed as a taxi driver to support the position and safety of women.
- ch) Mr M Elderking, the owner of a Taxi Company, supported Ms A's application. He confirmed that he knew the applicant and that there would be a job available for her if her application was approved. He emphasised that his company was responding to the demand from women for female taxi drivers.

- d) The applicant and the owner of the taxi company withdrew from the room while the Sub-committee members discussed the application.
- dd) The Sub-committee received the information recorded in the DBS statement as an accurate account of events. The Sub-committee was reminded, in accordance with section 59 of the Local Government (Miscellaneous Provisions) Act 1976, that a licence could not be issued unless they were satisfied that the applicant was a fit and proper person to hold a licence.
- e) In reaching their decision, the Sub-committee considered the following factors:
- the requirements of the 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire'
 - the applicant's application form
 - the applicant and the Taxi company Owner's verbal comments
 - the Licensing Department's report along with the DBS statement

- that the applicant had previous convictions:

that the offence of drink-driving and driving without a MOT certificate on the same date were historical. The offence of drink-driving was an individual conviction and in accordance with paragraph 11.1 of the Council's policy, a period of at least 3 years should have passed since the restriction ended. Consequently, as the conviction dated from 2007, the Sub-committee did not consider the conviction as being a reason for refusing the application.

RESOLVED that the applicant was a fit and proper person to be issued with a hackney vehicle/private hire driver's licence and Ms A's application for a hackney vehicle/private hire licence was granted.

6. APPLICATION FOR HACKNEY / PRIVATE HIRE DRIVER'S LICENCE

- a) The Licensing Manager presented the written report on the application received from Mr B for a new hackney/private hire driver's licence.
- b) It was reiterated that a statement of convictions had been submitted and the statement noted that the applicant had a conviction that was relevant to licensing taxi drivers. The Committee was asked to consider the application in accordance with the DBS record, and in accordance with the guidelines on relevant crimes and convictions.
- c) The applicant was invited to expand on his application. He further explained the background to the offences and noted that he was remorseful. He circulated two references which he had received - one from the Manager of a taxi company expressing a willingness to employ him as a taxi driver on journeys for school pupils.
- ch) The applicant withdrew from the room while the Sub-committee members discussed the application.
- d) The Sub-committee received the information recorded in the DBS statement as an accurate account of events. The Sub-committee was reminded, in accordance with section 59 of the Local Government (Miscellaneous Provisions) Act 1976, that a licence could not be issued unless they were satisfied that the applicant was a fit and proper person to hold a licence.
- dd) In reaching their decision, the Sub-committee considered the following factors:
- the requirements of the 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire'

- the application form and the applicant's verbal observations
 - the contents of the references
 - the Licensing Department's report along with the DBS statement
- that the applicant had one previous convictions for an incident of criminal damage and three convictions (although one had not been declared on the DBS record) for drink-driving.

It was considered that the drink-driving convictions remained 'unspent'. In accordance with paragraph 11.2 of the Licensing Policy, it was noted that it was unlikely that a licence would be granted unless a period of 10 years had elapsed after the restoration of the licence following the last conviction. In this case, as 10 years had not passed since the end of the restriction, the conditions of paragraph 11.2 were relevant.

It was explained that unless there were exceptional reasons to divert from the requirements of paragraph 11.2, the Sub-committee would not be in a position to grant the licence under the circumstances. It was considered that these circumstances were not exceptional to justify diverting from the restriction under paragraph 11.2 of the Licensing Policy

RESOLVED that the applicant was not a fit and proper person to be granted a hackney/private hire driver's licence and Mr B's application for a hackney/private hire driver's licence was refused.

The solicitor explained that the applicant had the right to submit an appeal to the Magistrates' Court following the Sub-committee's decision to refuse, within 21 days of receipt of the letter confirming the decision.

The meeting commenced at 2.00pm and concluded at 3.50pm.