

GENERAL LICENSING SUB-COMMITTEE 8.03.2017

Present: Councillor Eryl Jones Williams (Chair), Councillors Annwen Daniels and Dilwyn Morgan.

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

1. APOLOGIES

Apologies were received from Councillor Louise Hughes.

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

The Sub-committee expressed disappointment that the applicant was not present at the hearing.

It was highlighted that the Licensing Officer had received an e-mail from the applicant confirming his intention to attend the hearing. The Licensing Manager was asked to contact the applicant through his mobile phone, but the applicant did not answer.

It was decided to continue with the hearing in the applicant's absence.

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

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

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

- the requirements of the 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire Vehicles'

- the applicant's application form along with a driving course completion certificate and two fixed penalty notices submitted by North Wales Police 6.1.17
- the Licensing Department's report along with the DBS statement that revealed the convictions

Specific consideration was given to the following matters.

Following a verdict from the Magistrates' Court for one theft offence in 2001, it was highlighted that, in accordance with paragraph 8.2 of the Council's Policy, a period of at least three years should have passed from the time the ban ended. As the conviction dated back 15 years, the Sub-committee did not consider this conviction to be a reason for refusing the application.

Following a 12 month ban for drink-driving in April 2009 (which was reduced to nine months following the completion of a course), it was accepted, in accordance with clause 12.10 of the Council's Policy, *that an application would be objected if there was a recent conviction against the applicant that led to a ban of 12 months or more, unless a period of at least 18 months had passed since the end of the ban.* As the conviction dated back to 2010, the Sub-committee did not consider the conviction to be a reason for refusing the application.

Following a notice from West Midlands Police relating to an allegation that the applicant had attacked / abused or neglected a child, causing unnecessary suffering or injury in February 2013, it was noted that the DBS statement details were vague. As the applicant was not present to elaborate on the background to the allegation, the Sub-committee considered this to be 'assault on a child'. According to clause 7.2 of the Council's Policy, *unless there were exceptional circumstances, an application would usually be refused if there were offences regarding children or vulnerable adults.* It was noted that there was no conditional deadline included in clause 7.2 and, as the applicant was not present to elaborate on the background to the conviction, it was felt that it was not possible to consider the circumstances as exceptional. The Sub-committee was of the opinion that the notice was relevant to this clause.

Following fixed penalty notices from North Wales Police in relation two two offences: driving without an MOT certificate, and driving a car without insurance in December 2016, it was not obvious from the presented documents that fixed penalties had been paid / challenged. In addition, the Sub-committee was concerned that the applicant did not comply with passenger safety issues. In accordance with clause 12.2 of the Council's Policy > motoring convictions, both offences would be equal to 'serious traffic offences'. Under clause 12.4, it was noted that the application would be rejected *if the applicant had committed more than one Serious Traffic Offence within the last five years, and no further application should be considered until a period of at least three years had passed.* As the fixed penalty notices were issued in January 2017, the Sub-committee was of the opinion that these notices were relevant to the clause.

Disappointment was expressed in that the applicant was not present to present observations on the background of his offences and to respond to relevant questions. Disappointment was also expressed that the applicant's prospective employer had not submitted a reference, and had failed to attend the hearing.

Based on the available information to the Sub-committee, the decision was reached that the warning received in 2012 and both fixed penalty notices in 2017 were sufficient reasons for the Sub-committee to adhere to the Policy and to refuse the application.

The Solicitor reported that the decision would be confirmed formally by letter sent to the applicant and the applicant would have the right to appeal the decision within 21 days of receiving the letter.

The meeting commenced at 2.45pm and concluded at 3.00pm.