

GENERAL LICENSING SUB-COMMITTEE 27.04.2017

Present: Councillor Tudor Owen (Chair), Councillors Ann Williams and Elfed Williams

Officers: Geraint B. Edwards (Solicitor), Cheryl Morgan (Licensing Officer) and Lowri Haf Evans (Member Support and Scrutiny Officer).

1. APOLOGIES

None to note

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 Licensing Manager presented the written report on the application received from Mr A. for a 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.

The applicant's representative was invited to expand on the application. He highlighted his intention to employ the applicant, if the licence was granted, by offering him up to 30 hours of work a week. The applicant was invited to share information on the background of the criminal offences and it was highlighted that the main reason for his mistake was a misunderstanding. He confirmed that he had a full current driving licence.

The applicant and his representative withdrew from the room while the Sub-committee members discussed the application.

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

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'

- the applicant's application form
- verbal observations presented by the applicant and his representative during the hearing
- the Licensing Department's report along with the DBS statement that disclosed the convictions

Specific consideration was given to the following matters.

Following a conviction by South Anglesey Magistrates Court (September 2000) for one incident of ABH the applicant was sentenced to community service and an order to pay compensation and costs. In accordance with paragraph 6.5 of the Council's policy an application will be refused if less than 3 years have elapsed since receiving a conviction for a ABH crime. As the conviction had taken place over 16 years ago, the Sub-committee was satisfied that it did not fall within the restriction of clause 6.5 and therefore was not a reason for refusing the application.

Following a conviction from the South Anglesey Magistrates Court (December 2003) for one charge of drunken and unruly behaviour the applicant received a fine and an order to pay costs. The Council's policy does not address such an offence specifically, however, it was highlighted that clause 17.1 of the policy stated that 12 months must have elapsed since the date of conviction. As the conviction had taken place over 13 years ago, the Sub-committee was satisfied that it did not fall within the restriction of clause 17.1 and therefore was not a reason for refusing the application.

Following a conviction from the South Anglesey Magistrates Court (December 2009) for one charge of using a vehicle without insurance the applicant received 7 penalty points and an order to pay a fine, victim surcharge and costs. The applicant was not banned from driving. In accordance with paragraph 12.2 of the policy, the crime is considered to be a serious driving offence and 6 months should elapse since receiving the conviction. As the conviction had taken place 8 years ago, the Sub-committee was satisfied that this conviction should not be a reason for refusing the application.

The Solicitor reported that the decision would be confirmed formally by letter sent to the applicant and the Licensing Unit would confirm the licence's arrangement.

The Sub-committee was satisfied that the above reasons justified that the applicant was a fit and proper person to receive a licence with Gwynedd Council.

The meeting commenced at 10.15am and concluded at 11.15am.