

GENERAL LICENSING SUB-COMMITTEE 15.03.2017

Present: Councillor Tudor Owen (Chair), Councillors John Brynmor Hughes and R. H. Wyn Williams

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

The applicant was invited to expand on the application. Information was given on the background of the criminal offences and it was highlighted that the reason for his mistake was a misunderstanding. It was noted that advice and appropriate and correct information at the beginning of his career as a taxi driver would have been advantageous. It was confirmed that he had a current driving licence for private hire and hackney carriages in Arfon.

The applicant 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 and Mr A's application for a hackney vehicle/private hire licence was granted.

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
- the Licensing Department's report along with the DBS statement that revealed the convictions

Specific consideration was given to the following matters.

Following a statement on the application form for a driving offence over the statutory time limit (three penalty points in August 2015), it was highlighted, in accordance with clause 13.1 of the Council's Policy, that a minor driving offence meant an offence between one and three penalty points. It was highlighted that clause 13.2 noted that one conviction for a minor driving conviction would not lead to an application refusal and therefore the Sub-committee did not consider this minor offence as being a reason for refusing the application.

Following a decision from Anglesey Magistrates' Court (November 2016) on an accusation of acting contrary to regulation 9 of the User Protection Act from 2008 Unfair Trading along with a conviction of soliciting hire without a vehicle licence which was contrary to Section 45 of Town Police Clauses Act 1847, the applicant confirmed that both cases arose from an incident in Menai Bridge (March 2016) where he had been caught by Anglesey Council in a test purchase practice.

It was highlighted that, in accordance with clause 17.0 of Gwynedd Council's Policy, it would be unlikely to issue a licence to an *applicant with a conviction related to breaching an act or a by-law unless a period of 12 months had passed since the most recent case*. Although only four months had passed since the date of the restriction, the first step would be to refuse the application, but the Sub-committee had the right to deviate from the guidelines in exceptional circumstances.

As the applicant had confirmed that he had a Private Hire and Hackney Carriages one year licence for Arfon only (between 28.8.15 and 27.8.16), this did not allow him to work in Anglesey. The applicant highlighted that this was a misunderstanding on his part and he pleaded guilty to the offence.

The Sub-committee considered that there was no evidence or concern regarding the applicant's behaviour as an Arfon driver during the period of the licence.

Under the circumstances, the Sub-committee was satisfied that the above reasons justified the deviation from clause 17.0, and therefore accepted that the applicant was a fit and proper person to accept a licence with Gwynedd Council.

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 meeting commenced at 11.15am and concluded at 12:15pm.