

GENERAL LICENSING SUB-COMMITTEE 01.02.2017

Present : Councillor Eryl Jones Williams (Chair), Councillors Angela Russell and Ann Williams

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

The Licensing Manager presented the written report on the application received from Ms A for a new hackney carriage/private hire vehicle driver's licence.

It was reiterated that a statement of convictions had been submitted and it noted that the applicant had a conviction that was relevant to the licensing of taxi drivers. The 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. Information was given regarding the background of the criminal offences and it was noted that three had occurred on Halloween when a trick had backfired. Reference was made to the other criminal offences that were historical. It was added that the applicant had worked as a driver for a local company and she had also received a hackney vehicle driving licence from Anglesey Council (December 31st 2016). It was noted that a hearing had not been conducted and that it was only a request to submit information on paper.

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

The Sub-committee received the information recorded in the DBS statement as an accurate account of events. 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 Vehicles'
- The applicant's application form
- Verbal observations by the applicant and her representative
- The Licensing Department's report along with the DBS statement

THE SUB-COMMITTEE RESOLVED TO DEFER THE APPLICATION

The Sub-committee provided the following reasons for its decision:-

- The DBS record stated that there were multiple convictions for the criminal offence of damage with the latest taking place in 2011.
- During the hearing it was highlighted that the applicant had received a hackney carriage / private hire vehicle driving licence from Anglesey Council (AC) on 31 December 2016 (a licence ID Card was presented as evidence of this). It was noted that the details of the AC licence had not been disclosed on the original application form, however, the applicant's representative argued that Gwynedd Council's (GC) Licensing Unit were aware of the AC licence. Despite this, no details about the decision had been shared, such as the date when the GC Licensing Unit was informed, which officer was informed and by what means of communication. The Licensing Manager confirmed that the GC Licensing Unit had no information regarding the AC licence.
- Further information was required regarding the AC licence before they could be in a situation to make a final decision.
- CG's Licensing Unit needed to make enquiries with the AC Licensing Unit on the following matters:
 - a. Confirm that the applicant had been issued with a hackney carriage /private hire vehicle driving licence
 - b. To verify the contents of AC's policy on applications for hackney carriage/private hire vehicle driving licence
 - c. Request a written statement of the reasons why the licence was approved, despite the convictions on the DBS statement.
- That it was possible to refuse the application on the grounds of clause 16.1 The 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire Vehicles' *'prevents the issuing of a licence when the applicant has multiple convictions for criminal damage crimes, when the previous conviction occurred less than 10 years prior to the application'*. However, members were anxious to receive further information regarding the AC licence before they could be in a situation to make a final decision.
- That the applicant was in employment and therefore was satisfied to an extent that she would not be harmed by the delay
- If the information regarding the AC licence had been submitted with the application then it would have been possible for GC's Licensing Unit to have made appropriate enquiries with the AC Licensing Unit and therefore avoid the need for a deferral.
- It was necessary to ensure a fair hearing and to safeguard public safety.

The applicant's representative expressed his discontent with the decision and stated that he would be making an official complaint about the Licensing Unit.

The meeting commenced at 10.40am and concluded at 11.30am.