
GENERAL LICENSING SUB-COMMITTEE 17.02.2017

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 Mr A. for a new hackney/private hire driver's licence. It was noted that the hearing was a follow-up to a decision made on 01.02.17 where the hearing was postponed until a written statement was received explaining the reason why a licence was approved by Anglesey Council (AC), despite the convictions on the DBS statement.

It was reiterated that a statement of convictions had been submitted and, due to the fact that crimes which remained relevant to the licensing field had been included in the statement, the Committee was requested to consider the application in accordance with the DBS record, and in accordance with the guidance on relevant crimes and convictions. It was added that no additional convictions had been noted since the submission of the original 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
- Verbal observations that the applicant and his representative presented during both hearings
- The Licensing Department's report along with the DBS statement that revealed the convictions

Specific consideration was given to the following matters.

Following an 18 month disqualification after a drink-driving incident in August 2003 (which was lifted in September 2004 because the applicant completed a course), it was accepted that the offence of drink-driving was an isolated 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 2004, the Sub-committee did not consider the conviction to be a reason for refusing the application.

The Sub-committee had also considered the conviction for a criminal damage incident (May 2004) where the applicant was sentenced to a fine and ordered to pay compensation and costs. They had also considered the January 2012 conviction for an incident of an attack that caused actual bodily harm (ABH) and for two accusations of criminal damage on the same date. Under clause 16.1 of the Licensing Policy, *'consideration should be given to refuse the application if the applicant had a history of reoffending, which shows a lack of respect towards the well-being of others or their property, if a period of at least 10 years has not gone by since the latest conviction'*. However, the Sub-committee had the right to deviate from clause 16.1 if satisfied that the exceptional circumstances were relevant.

It was considered that there was a gap of eight years between the 2004 and 2012 convictions, and that the applicant had not gone out to cause an act of criminal damage intentionally (2012), rather it had happened as a result of a prank that went wrong.

In addition, it was considered that the applicant had a hackney vehicle/private hire licence with AC and, although this did not mean that it was required for the Sub-committee to come to the conclusion that the applicant was a fit and proper person, it was a factor that the Sub-committee considered when deviating from clause 16.1. It was highlighted that the applicant had already driven in and out of Gwynedd by virtue of the cross-boundary work, and the Sub-committee had not received any evidence of complaints or problems relating to his work as a driver.

Under the circumstances, the Sub-committee was satisfied that the above reasons justified the deviation from clause 16.1, and therefore accepted that the applicant was a fit and proper person to accept a licence with Gwynedd Council. It was emphasised that this application had been decided on its own merits and, therefore, did not set a precedent.

The meeting commenced at 10:40am and concluded at 12:30pm.