

## **GENERAL LICENSING SUB-COMMITTEE 11.07.2017**

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**Present:** Councillor Peter Read (Chairman), Councillors Edgar Owen and Elfed Williams

**Officers:** Sion Huws (Senior Solicitor (Corporate), Gwenan M Roberts (Licensing Officer) 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 A HACKNEY/PRIVATE HIRE DRIVER'S LICENCE- MR A**

The Licensing Manager submitted 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 was invited to expand on his application and provide information about the background of the offence. He highlighted that the incident was a one-off, was out of character and that he had learned from his mistake. The applicant's prospective employer noted that the applicant had been driving taxis for him in the past and he had not received any complaints about his service. The applicant said that he would like the opportunity to work for the family company.

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

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

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

- the requirements of 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire'
- the applicant's application form
- verbal observations presented by the applicant and his prospective employer 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 fortnight's driving ban in 2013 for contravening a 'No Access' sign, it was noted that in accordance with paragraph 12.8 of the Council's policy, a six month period was required to elapse after a disqualification of less than 56 days before a licence could be issued. As the disqualification had ended more than 6 months ago, the Sub-committee did not consider this to be a reason to refuse the application.

Following a conviction by Gwynedd Magistrates' Court (January 2017) under section 4(1) (A) Public Order Act 1986 a single incident of using towards another person threatening, abusive or insulting words or behaviour to provoke violence, he received a sentence of an order to pay compensation and costs. In accordance with paragraph 6.5 of the Council's policy, the licence could not be issued unless 3 years had elapsed since receiving a conviction. It was considered that although this conviction was recent and the policy did apply, the Sub-committee was satisfied with the explanation provided and the circumstances and the evidence received in relation to the applicant's good character.

The Sub-committee was satisfied that the above reasons justified that the applicant was a fit and proper person to receive a hackney carriage and private hire licence with Gwynedd Council, albeit the three year term had not yet elapsed.

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.

## **6. APPLICATION FOR A HACKNEY/PRIVATE HIRE DRIVER'S LICENCE - Mr B**

The Licensing Manager submitted the written report on the application received from Mr B 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 his application and provide information about the background of the offences. He noted that he apologised for his behaviour in the past when he was young and that he realised that he had behaved foolishly. He was now the father of four children and was eager to see them follow the right path. He explained that the theft offence related to working with people betting on gambling machines. He had developed a gambling habit and had stolen money in order to gamble. He confirmed that he had tried to seek support for his gambling problem and had apologised to his former employer and returned the money.

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/private hire driver's licence from Gwynedd Council.**

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

- the requirements of 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire'
- the applicant's application form
- verbal observations presented by the applicant and his prospective employer during the hearing
- a positive reference that was strongly in favour of the applicant was submitted to the hearing
- the Licensing Department's report along with the DBS statement that disclosed the convictions

Specific consideration was given to the following matters.

A lengthy series of convictions had been disclosed on the applicant's DBS between 2001 and 2009 which included offences with elements of violence, of being drunk and disorderly and in 2002 for driving without insurance during a driving ban. The most recent conviction was for theft (January 2009) in connection with an offence that had been committed in November 2008. In accordance with paragraph 16.1 of the Council's policy on re-offending, it must first be ensured that the convictions met with the policy guidelines individually, but together they created a history of re-offending which demonstrated a lack of respect towards the welfare of others and their property. The policy stated that 10 years must elapse since the most recent conviction. The most recent conviction was eight and a half years ago and the Sub-committee felt that the offences were pertinent to their decision.

The Sub-committee appreciated that the applicant had been open and honest about his criminal record and the problems he had experienced in the past. It also acknowledged the genuine attempt made to improve his behaviour and lifestyle, and there was no evidence of any problems in the last eight and a half years. The Sub-committee was satisfied that the applicant could be issued with a licence, but as the history of offences was a serious matter it was resolved to approve the licence for a year only in the first instance.

In response to a question by the Public Protection Manager, the Sub-committee confirmed that it would be happy for the subsequent licence to be for the standard period of three years provided nothing had changed at that point.

Under the circumstances the Sub-committee was satisfied that the above-mentioned reasons justified that the applicant was a fit and proper individual to receive a hackney vehicle and private hire licence from 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 10.00am and concluded at 11.30am.