

GENERAL LICENSING SUB-COMMITTEE 13.03.2018

Present: Councillor Elfed Williams (Chair), Councillors Steve Collings and Jason W Parry

Officers: Geraint B Edwards (Solicitor), Gwenan M 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 A HACKNEY / PRIVATE HIRE DRIVER'S LICENCE- Mr A

The Chairman welcomed everyone to the meeting. He highlighted that the decision would be made in accordance with Gwynedd Council's licensing policy. It was noted that the purpose of the policy was to set guidelines for the criteria when considering the applicant's application and the aim was to protect the public by ensuring that:

- A person is a fit and proper person
- The person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- Children and young people are protected
- Vulnerable persons are protected
- The public have confidence in their use of licensed vehicles.

The Licensing Manager presented a written report on the application received from Mr A. for a hackney/private hire driver's licence. The Sub-committee was requested to consider the application in accordance with the DBS record, and the guidelines on relevant criminal offences and convictions.

The applicant was invited to expand on the application and provide information about the background of the offences. He noted that he was a lorry driver and that he had made one serious error when he decided to drive under the influence of alcohol following a night out with friends. He openly admitted that this was a foolish decision and the rehabilitation course had been invaluable.

In reply to a question, he stated that if the licence should be approved then he would be self-employed.

The applicant withdrew from the room whilst 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 Vehicles'
- the applicant's application form
- verbal observations presented by the applicant during the hearing
- the Licensing Department's report along with the DBS statement disclosing the convictions

Specific consideration was given to the following matters.

The applicant had received a conviction from Bangor Magistrates' Court (November 1995) on one charge of trying to obtain property by deception, contrary to the Theft Act 1968, section 15. He received a fine of £60.00. The applicant received a conviction from Bangor Magistrates' Court (February 1989) for two offences of criminal damage. He received an order to pay compensation of £220.00. The applicant received a conviction from Gwynedd Magistrates' Court (December 2014) on one charge of failing to provide a specimen for analysis, contrary to section 7 (6) of the Road Traffic Act 1988. He was banned from driving for 12 months, with a reduction of 3 months following the rehabilitation course.

Paragraph 2.2 of the Council's Policy was considered, this states that a person with a conviction for a serious offence need not be permanently barred from obtaining a licence, but should be expected to be free from conviction for an appropriate period as stated in the Policy, and to show evidence that he was a fit and proper person to hold a licence.

It was highlighted that paragraph 4.5 of the Council policy stated that a Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) 2002 Order allowed the Sub-committee to consider all the convictions recorded if they had been spent or otherwise under the 1974 Act.

Paragraph 6.5 of the policy was considered, which states that an application will be refused if the applicant had a conviction of a violent nature during the last three years. It was noted that such offences included criminal damage. Paragraph 8.2 was considered, which states that an application will be refused if the applicant has a conviction during the last three years for a dishonesty offence (this includes trying to obtain property by deception). Paragraph 12.9 was considered, this states that an application will usually be refused if there is a recent conviction against the applicant that led to a ban of 12 months or more, unless a period of at least 18 has elapsed since the end of the ban.

It was accepted that the 1985 conviction included an offence of dishonesty, however, as this had occurred 32 years ago (over 3 years ago) the Sub-committee was of the view that the offence was not a reason to refuse. It was accepted that the 1989 conviction included violent crimes that occurred 29 years ago. This was not a reason to refuse the application. Following the 2014 conviction the applicant was banned from driving. The Sub-committee calculated that the ban had ended on 31 August 2015 (9 months after 1 December 2014), and this meant that over 12 months had elapsed since the ban.

The Solicitor reported that the decision would be confirmed formally by letter sent to the applicant with details of his right to appeal.

The meeting commenced at 10:20am and concluded at 10.40am.