

GENERAL LICENSING SUB-COMMITTEE 24.07.2018

Present: Councillor Elfed Williams (Chair), Councillors John Brynmor Hughes and Dafydd Owen

Officers: Geraint B. Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager), Rhian Jones (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 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
- The safeguarding of children and young people
- The safeguarding of vulnerable persons
- The public have confidence in their use of licensed vehicles.

The Licensing Officer presented the 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 no longer owned a gun and did not have a gun licence. He highlighted that a local company had offered him a job if his application was successful.

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 convictions.

Specific consideration was given to the following matters.

The applicant had received a conviction from Caernarfon Magistrates Court (April 1999) on two offences regarding a gun, contrary to the Firearms Act 1968. For these offences he was sentenced to a period in a young offenders' institution.

The applicant received a conviction from Manchester Magistrates' Court (September 2001) for criminal damage contrary to section 1 of the Criminal Damage Act 1971. He was given a fine of £100.00 and an order to pay costs and damages.

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 automatically barred from obtaining a licence, but would normally be expected to remain free of conviction for an appropriate period as stated in the Policy, and to show evidence that he or she was a fit and proper person to hold a licence.

Paragraph 4.5 of the Council policy was considered which stated that the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 allowed the Sub-committee to take into account all convictions recorded against an applicant, whether spent or otherwise under the 1974 Act.

Paragraph 6.4 of the policy states that an application will normally be refused where the applicant has a conviction that is less than 10 years prior to the date of application, concerning 'possession of a firearm'.

Paragraph 6.5 states that an application for a licence will normally be refused where the applicant has a conviction that is less than 3 years prior to the date of the application concerning criminal damage.

The Sub-committee concluded that the conviction regarding the possession of a firearm had occurred in 1998, nearly 20 years ago. It was considered that the ban under paragraph 6.4 was not relevant and was not a basis to refuse the licence.

When considering the conviction concerning a serious offence that had occurred in 2001 (over 16 years ago), the ban under paragraph 6.5 was not relevant and therefore the Sub-committee was satisfied that this historical conviction should not be a reason to refuse the licence.

The Sub-committee was also grateful to the applicant for being open and honest when he explained the circumstances of the convictions.

The Solicitor reported that the decision would be confirmed formally by letter to the applicant and that he also had the right to appeal against the Sub-committee's decision within 21 days of receiving the letter.

The meeting commenced at 10.15am and concluded at 11.00am.