
GENERAL LICENSING SUB-COMMITTEE 05-10-21

Present:

Councillors: Councillor Annwen Hughes (Chair)
Councillors Elin Walker Jones and Eryl Jones-Williams

Officers: Siôn Huws (Senior Solicitor), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democratic Services 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

It was **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 12A 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, or their identities. Consequently, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

5. The Chair welcomed everyone to the meeting. She explained that the decisions 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, with the aim of protecting the public by ensuring that:

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

APPLICATION FOR A HACKNEY / PRIVATE HIRE DRIVER'S LICENCE – Mr A

The Licensing Officer presented a written report on the application received from Mr A for a hackney/private hire vehicle driver's licence. The Sub-committee was requested to consider the application according to the DBS record, the guidelines on criminal offences and relevant convictions. The Licensing Authority recommended that the Sub-committee approved the application.

The applicant was invited to expand on his application and provide information about the background of the offences and his personal circumstances. He explained that the conviction was for food hygiene and that he had not offended before or subsequently. He noted that he had a young family and needed an additional job that offered flexibility so he could spend time with his family. He explained that he had experience of being a carer and therefore understood the responsibilities involved in being a fit and proper taxi driver and that a taxi company was willing to employ him.

RESOLVED that the applicant was a fit and proper person to be issued with a hackney/private hire vehicle 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 Vehicles'
- the applicant's application form
- the Licensing Department's report and the DBS statement
- the applicant's verbal representations
- The Driver and Vehicle Licensing Agency's guidelines

Specific consideration was given to the following matters:

In January 2020, the applicant was found guilty by North Wales Magistrates Court of breaching food hygiene regulation provisions, contrary to Articles 14 (1) 16 18 (2) 18 (3) or 19 of Regulation (EC) 178/2002 General Food Regulations 2004. He received a fine of £330 as well as an additional fee of £33.00 and costs of £150.

Paragraph 2.4 of the Council's Policy was considered, which states that when an applicant has a conviction(s) or there are other related matter(s) to be considered in connection with that, the Council cannot review the merits of the conviction or other matter.

Paragraph 4.5 was considered which states that the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 allows the Sub-committee to consider all convictions recorded against an applicant, whether spent or otherwise, under the 1974 Act.

Section 17 of the Policy addresses situations regarding breach of legislation, byelaw or licence conditions. It is noted that an applicant who has a conviction or other matters to be considered for a breach of legislation, is unlikely to be granted a licence unless a period of at least 12 months has elapsed since the most recent breach.

The Sub-committee concluded that sufficient time had elapsed since the applicant was convicted as the twelve-month threshold under the Policy had elapsed. No subsequent convictions or other previous convictions were received. It was accepted that the applicant acknowledged the seriousness of food safety offences and accepted that he had made a mistake, he also understood and accepted the seriousness and importance of the responsibility he would have in driving and carrying passengers.

It was also considered that there was no evidence that his medical condition (type 2 diabetes - mild) was a problem and that he kept it under control by diet alone.

Having carefully weighed up the evidence and information, the Sub-committee was in favour of approving the application and it was determined that the applicant was a fit and proper person to hold a hackney and private hire vehicle driver's licence.

The Solicitor reported that the decision would be confirmed formally by letter to the applicant.

The meeting commenced at 15:30 and concluded at 16:10