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## GENERAL LICENSING SUB-COMMITTEE 27-06-2022

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**Present:**

**Councillors:** Councillor Annwen Hughes (Chair)  
Councillors Edgar Owen and Angela Russell

**Officers:** Iwan Evans (Head of Legal Services), 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. APPLICATION FOR A HACKNEY / PRIVATE HIRE DRIVER'S LICENCE – Mr A**

The Chair welcomed everyone to the meeting. She explained 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, 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
- The safeguarding of vulnerable persons
- The public have confidence in using licensed vehicles.

The Licensing Officer presented a written report on an application received from Mr A for a hackney carriage/private hire driver's licence. The Sub-committee was requested to

consider the application in accordance with the DBS record, the guidelines on criminal offences as well as the Driver and Vehicle Licensing Agency's report. The Licensing Authority had recommended that the Sub-committee should refuse the application.

In response to a question from a member of the Sub-committee to the Licensing Officer, it was confirmed that the wording / quotation from the description of the Act is 'vehicle control, mobile phone **etc.**'

The applicant's representative was invited to expand on the application and provide information about the endorsements on the licence and the applicant's personal circumstances and his failure to inform the Licensing Department on serious traffic offences on two occasions. He highlighted that the applicant on one occasion, was caring for his father and therefore, with other things on his mind, had filled out the application form wrong and hadn't been able to inform the Licensing Department on his circumstances. On another occasion, his former partner was driving the car and he hadn't updated the details of his new address nor disclosed who was driving the car to the DVLA.

The applicant's work as a taxi driver was praised - it was noted that he was honest, helpful, always ready to help and was popular with customers.

**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 along with the DBS statement and the DVLA's report
- the applicant's representative's verbal representations
- The Driver and Vehicle Licensing Agency's guidelines

Specific consideration was given to the following matters:

In July 2021, he received six penalty points on his driving licence for breaching the requirements of the Act in terms of 'vehicle control, mobile phone etc.'

Paragraph 2.2 of the Council's Policy was considered, which states that a person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but he will be expected to have been free of any conviction for an appropriate period as stated in the Policy, and to show evidence that he is a fit and proper person to hold a licence. The onus was on the applicant to prove that he was a fit and proper person. Paragraph 2.3 states, for the purpose of the Policy, that 'other matters for consideration' include, amongst others, criminal /driving convictions.

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

Section 12 of the Policy relates to driving convictions, and paragraph 12.2 lists major traffic offences for the purposes of the Policy. Among these offences, MS90 (failure to provide information about the identity of a driver etc.) is included. Paragraph 12.3 states that an application will be refused if there is a conviction against the applicant and he/she has not been free of the conviction for at least six months.

The Sub-committee concluded that the 2021 offence was a serious matter but they were satisfied that the period of time (6 months) noted in the Policy, when applications should be refused due to such offences, had elapsed and that there were no further offences.

The applicant's failure to disclose an offence in accordance with the requirements of the licence was considered by not including the endorsements on his application form or informing the Licensing Authority about the endorsements disclosed in the report of the DVLA. The applicant's explanation over lack of sharing information due to difficult personal circumstances was accepted and that there was some confusion when presenting the prosecution documents by virtue of the fact that he had moved house. However, the Sub-committee was also disappointed that the offence was not declared on the current application form.

Having carefully considered the evidence and information, it was considered that the lack of information does not justify refusing the licence on this basis but failure to disclose correct and current information as required from the licence is a serious matter. Had the circumstances been repeated then this failure would be a relevant consideration in any following decision.

The sub-committee had decided in favour of approving the application. It was determined that the applicant was a fit and proper person to hold a hackney vehicle and private hire driver's licence. The applicant's representative was encouraged to ensure that applicants in the future check and take responsibility for their application form and that the Licensing Department would examine the company's arrangements for the future.

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

The meeting commenced at 11:30 and concluded at 12:30