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## GENERAL LICENSING SUB-COMMITTEE 15-07-2022

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**Present:**

**Councillors:** Councillor Annwen Hughes (Chair)  
Councillors Gareth Tudor Jones and Gareth 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. APPLICATION FOR HACKNEY/PRIVATE HIRE DRIVER'S LICENCE – Miss A**

The Chair welcomed everyone to the meeting. He 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 the application received from Miss A for a hackney/private hire vehicle driver's licence. The Sub-committee was requested to consider the application in accordance with the DBS record, the guidelines on criminal offences and relevant convictions, and also the Driver and Vehicle Licensing Agency's report. The Licensing Authority recommended that the Sub-committee approve the application.

The applicant was invited to expand on the application and provide information about the background of the endorsements on the licence and her personal circumstances. She admitted that she had not submitted the details of her new address to the Driver and Vehicle Licensing Agency and had not informed the Licensing Department about serious traffic offences - she noted that at the time she had been moving house and she acknowledged her oversight.

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

Specific consideration was given to the following matters:

In April 2020, the applicant had received six penalty points for failing to provide information relating to driver identity.

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 would normally be expected to remain free of any conviction for an appropriate period as stated in the Policy, and to show evidence that the individual was a fit and proper person to hold a licence. The onus was on the applicant to prove that they were a fit and proper person. Paragraph 2.4 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 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 2020 conviction was a serious traffic offence. The applicant's failure to disclose information was considered in accordance with the requirements of the licence. The explanation provided by the applicant, that disorder arising

from a house move was the reason for the failure to provide the information at the time, was accepted.

The Sub-committee was satisfied that the period of time noted in the Policy (at least 6 months) where applications should be refused due to such offences had elapsed.

The sub-committee 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 was encouraged to behave responsibly and carefully as the 6 points on her licence would not be spent until April 2023.

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

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

The Chair welcomed everyone to the meeting. He 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 Manager submitted a written report on the application received from Mr B for a hackney/private hire vehicle driver's licence. The Sub-committee was requested to consider the application in accordance with the DBS record, the guidelines on criminal offences and relevant convictions and a medical certificate. The Licensing Authority recommended that the Sub-committee approve the application.

The applicant was invited to expand on the application and provide information about the background of the offences on the DBS record and his personal circumstances. He noted that he had been through a difficult and dark period in his life, but had now recovered.

In response to a question regarding dealing with unreasonable and difficult customers within the confined environment of a vehicle, he noted that conversing, being open and dealing with customers had been part of the support he had received through therapy sessions. He added that the medical certificate noted that he satisfied the medical standards.

**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 and the medical form
- the applicant's verbal representations

- The Driver and Vehicle Licensing Agency's guidelines

Specific consideration was given to the following matters:

In April 2013, the applicant was found guilty of the offence of battery, contrary to the Criminal Justice Act 1998 (S.39). He had received a community caution under supervision, costs of £250 and compensation costs of £150.

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 would normally be expected to remain free of any conviction for an appropriate period as stated in the Policy, and to show evidence that the individual was a fit and proper person to hold a licence. The onus was on the applicant to prove that they were a fit and proper person. Paragraph 2.4 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 take into account all convictions recorded against an applicant, whether spent or otherwise, under the 1974 Act.

Paragraph 6.0 of the Policy addresses violent offences. Paragraph 6.1 states that, since licensed drivers come into close and regular contact with the public, the sub-committee shall adopt a firm stance towards those who have offences involving violence. Paragraph 6.2 notes that anyone found guilty of an offence relating to violence is unlikely to be granted a licence until they have been free from such a conviction for a minimum of three years. However, when considering the range of offences relating to violence, the nature of the offence must be considered.

The Sub-committee came to the conclusion that 2013 conviction was a violent offence for the purpose of the Policy, and that sufficient time had elapsed following the three-year threshold since the applicant was found guilty. There were no previous or subsequent convictions.

The applicant's explanations and the reasons for his behaviour in 2013 were considered, and it was accepted that his circumstances were now very different. Consideration was given to the medical certificate that confirmed his explanation about his medical condition in the past, and that the doctor had no concerns. The applicant also satisfied the medical fitness criteria to drive and had worked as a driver without any problems.

It was determined that the applicant was a fit and proper person to hold a hackney vehicle and private hire driver's licence.

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

The meeting commenced at 2:00pm and concluded at 15:05pm