
GENERAL LICENSING SUB-COMMITTEE 30-08-23

Present:

Councillors: Councillor Elfed Williams (Chair)
Councillors Annwen Hughes and Arwyn Herald Roberts

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

1. APOLOGIES

None to note.

2. DECLARATION OF PERSONAL INTEREST

None to note.

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 VEHICLE DRIVER'S LICENCE - Ms A

The Chair welcomed everyone to the meeting. He highlighted that the decision would be made in accordance with Cyngor Gwynedd'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 can be confident in using licensed vehicles

The Licensing Manager presented the written report on the application received from Ms A for a new hackney/private hire vehicle driver's licence. The Sub-committee was requested to consider the application in accordance with the relevant convictions.

The Licensing Authority recommended that the Sub-committee should approve the application. It was noted that the applicant had declared the speeding points on her application.

The applicant's representative was invited to expand on the application and provide information about the background of the offences and the applicant's personal circumstances. It was noted that the applicant had extensive experience of driving and now wished to be a taxi driver since she felt that her job driving a HGV was not suitable for her any longer. The intention of employing her to do work during school hours and a few hours during weekends was also noted if their application was approved.

It was reiterated that discussions held prior to presenting the application with the Licensing Officer highlighted the penalty points and confirmation that the applicant had received a three-year hackney/private hire licence by Anglesey County Council in August 2023.

RESOLVED that the applicant was a fit and proper person to be issued with a hackney/private hire vehicle driver's licence from Cyngor Gwynedd.

In reaching its decision, the Sub-committee considered the following:

- The requirements of 'Cyngor Gwynedd's Licensing Policy for Hackney Carriages and Private Hire Vehicles'
- The applicant's application form
- The Licensing Department's report and the report of the Driver and Vehicle Licensing Agency (DVLA)
- Verbal observations by the applicant's representative

Specific consideration was given to the following matters.

Background

In July 2020 the applicant received 3 penalty points for breaking the statutory speed limit on a public road. The relevant period of these points came to an end on the 3 July 2023.

In March 2021 the applicant received 6 (SP30) penalty points instead of 3 regular points since they were driving a HGV. These points expire in December 2025.

RELEVANT CLAUSES OF THE POLICY

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 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/she is a fit and proper person to hold a licence. The onus was on the applicant to prove that he/she was 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 the 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 13 relates to minor traffic offences and mainly refers to offences that are not listed in paragraph 12.2 of the Policy and Paragraph 13.1 defines a 'minor traffic offence' as an offence that receives 1 - 3 penalty points. Paragraph 13.3 is considered that states that "More than one minor traffic conviction or other matter to be considered may result in a refusal, particularly where there are several convictions or other matters to be considered for the same offence, e.g. speeding. A licensed driver may be referred to the Licensing Committee where there are more than two offences and/or a total of six points on a licence."

CONCLUSIONS

Having considered the Policy's provisions and the applicant's explanation of the circumstances that led to receiving the penalty points in 2020 and 2021 and the licensing officers' recommendation, the Sub-committee was of the opinion that it was appropriate to approve the application.

The Sub-committee determined 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 11:25 and concluded at 11:50.