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## GENERAL LICENSING SUB-COMMITTEE 26-01-21

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**Present:** Councillor Anwen Hughes (Chair), Councillors Gareth Jones and Edgar Owen

**Officers:** Geraint Brython Edwards (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 A HACKNEY / PRIVATE HIRE DRIVER'S LICENCE – Mr A

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
- Vulnerable persons are protected
- 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 and relevant convictions. It was highlighted that the applicant had not stated that he had any previous convictions on his application form and it was suggested that he should expand on this. The Licensing Authority recommended that the Sub-committee should approve the application.

The applicant was invited to expand on the application and provide information about the background of the offences and his personal circumstances. He explained that the

incident in 2018 had occurred on private land and he had received advice that there was no need to report the accident. He added that the Council's Health and Safety Unit and the Post Office Health and Safety Unit at Cibyn, Caernarfon had recorded the incident. He highlighted that if his application was successful then he would run a Taxi company.

b) **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.**

c) 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

ch) Specific consideration was given to the following matters

In July 1980, the applicant was found guilty by Caernarfon and Gwyrfai Magistrates Court for one charge of assault that caused actual bodily harm contrary to s47 of the Offences Against the Person Act 1861. He received a fine of £20:00

In June 2018, the applicant was found guilty by North East Wales Magistrates Court for one charge of failing to report an accident, contrary to s170 (4) of the Road Traffic Act 1988. He received a fine of £325.00 and an endorsement on his driving licence.

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 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 2.4 of the policy notes that when an applicant has a conviction(s) or other related matter(s) to be considered, 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 contact regularly with the public, the sub-committee shall adopt a firm stance towards those who have offences involving violence. Paragraph 6.5 of the Policy states that an application for a licence will usually be refused if the applicant has a matter to be considered for common assault and/or criminal damage and/or an offence under the Public Order Act 1986 which happened less than three years before the date of application.

Section 12 of the Policy relates to driving convictions, and paragraph 12.2 lists major traffic offences for the purposes of the Policy. Amongst the offences is AC20 (failure to give details or report an accident within 24 hours). 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.

- d) The Sub-committee came to the conclusion that the July 1980 conviction was a violent offence, however, as the conviction occurred over 40 years ago (which is beyond the period of three years), paragraph 6.5 was irrelevant, and there was no reason to refuse the application.

The Sub-committee came to the conclusion that the conviction in June 2018 was a serious traffic-related offence, however, as the conviction had occurred 2 years ago and the applicant had been free of conviction for at least 6 months, paragraph 12.3 was irrelevant and, therefore, there was no basis to refuse the application.

- e) Having carefully considered 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 10.00 and concluded at 10.30.