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## GENERAL LICENSING SUB COMMITTEE 20/06/19

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**Present::** Councillor Elfed Williams (Chair), Councillors Jason W Parry, Edgar Owen

**Officers:** Siôn Huws (Solicitor), Alun Roberts (Public Protection Officer) and Lowri Haf Evans (Member Support 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

**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 12 A, 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 LICENCE

- a) The Chairman 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/private hire driver's licence. The Sub-committee was

requested to consider the application in accordance with the DBS record, and the guidelines on relevant criminal offences and convictions.

The applicant was invited to expand on his application and provide information about the background to the offences and his personal circumstances. He explained that the violence-related incidents were part of his past and that he now ran a taxi company. He added that the convictions had not been discussed during his previous application for a licence and that waiting for a hearing and decision had meant that he had lost work. He noted that no complaints had been received about his service.

The applicant withdrew from the room while members of the Sub-committee discussed the application.

- b) **RESOLVED - that the applicant was a fit and proper person to be issued with a hackney vehicle/private hire driver's licence from Gwynedd Council.**
- c) In reaching its decision, the Sub-committee considered the following:
- The requirements of the 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire Vehicles'
  - the applicant's application form
  - verbal observations presented by the applicant during the hearing
  - the Licensing Department's report along with the DBS statement
- ch) The applicant received a conviction at Caernarfon Magistrates' Court in June 2004 for an offence of common assault contrary to the Criminal Justice Act 1988. He was ordered to pay a fine of £50 and damages of £100. He received a conviction at Denbighshire Magistrates' Court in March 2006 for an offence of battery, contrary to section 39 of the Criminal Justice Act 1988. He also received a conviction for using threatening, aggressive/insulting language likely to cause harassment, alarm or distress contrary to the Public Order Act 1986. He received a 12 month community order and a supervision order following the incident together with an order to pay damages of £75 and costs of £350. In June 2018, he received six penalty points on his driving licence for breaching the vehicle control requirements, mobile phone etc.
- d) Paragraph 2.2 of the Council's Policy was considered, this states that a person with a conviction for a serious offence need not be permanently barred from obtaining a licence, but should be expected to be free from conviction for an appropriate period as stated in the Policy, and to show evidence that he was a fit and proper person to hold a licence. The applicant has a responsibility to show that he is a fit and proper person.

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

Paragraph 6 of the Policy deals with offences of violence, and paragraph 6.5 states that an application for a licence will normally be refused if the applicant has a matter of common assault to be considered which occurred less than three years before the application date. The paragraph lists offences and common assault is included in the list. Paragraph 6.6 states that an application will normally be refused if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

Paragraph 13.3 states that more than one conviction for a minor driving offence or another matter to be considered could lead to an application being refused, especially if there are several convictions or other matters to be considered for the same offence. The licensed driver can be referred for the attention of the Licensing Sub-committee if there are more than two offences or a total of six points on a licence.

Paragraph 16.1 of the Council's policy deals with repeat offending. Firstly, it is necessary to ensure that the convictions, independently, satisfy the policy guidelines, but that, collectively, they create a history of repeat offending that indicates a lack of respect for the welfare and property of others. The Policy states that 10 years must have elapsed since the most recent conviction.

- dd) The Sub-committee gave specific consideration to the following matters
- that the offences in 2004 and 2006 were violence-related. Since these offences took place more than 10 years ago, there was no grounds to refuse the application under paragraphs 6.6 and 16.1 of the Policy.
  - that the driving endorsements, although concerning, did not reach the threshold for application refusal.

The Sub-committee was of the opinion 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 11.35 am and concluded at 11.50 am

**CHAIRMAN**