
GENERAL LICENSING SUB-COMMITTEE, 04.03.13

Present: Councillor W. Tudor Owen (Chairman)
Councillors Annwen Hughes and Angela Russell

Also Present: Siôn Huws (Compliance and Language Manager), Gwenan Williams (Licensing Manager) and Gwyn Parry Williams (Members Support and Scrutiny Officer).

1. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any members present.

2. EXCLUSION OF PRESS AND PUBLIC

RESOLVED to exclude the press and public from the meeting during the discussion on the following items because of 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 apply because the individuals in question are entitled to privacy and there is no overriding public interest that requires the disclosure of personal information relating to those individuals, nor their identities. Consequently, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

3. AN APPLICATION FROM MR. A FOR A HACKNEY/PRIVATE HIRE DRIVER'S LICENCE

The Licensing Manager submitted the written report on the application received from Mr A for a hackney/private hire driver's licence. She explained that a statement of convictions referred to relevant offences and, in such cases, officers did not have the right to consider the application. Therefore, this case was submitted for the sub-committee's consideration. She referred to the different offences committed between 2002 and 2008.

In considering the application, the following procedure was followed –

1. Members of the sub-committee were given an opportunity to ask questions of the Council's representative.
2. The applicant and / or his representative were invited to ask questions of the Council's representative.
3. The applicant and / or his representative were invited to expand on the application.
4. Members of the sub-committee were given the opportunity to ask questions of the applicant and / or his representative.
5. The Council's representative was invited to ask questions of the applicant and / or his representative.
6. The Council's representative and the applicant and / or his representative were given the opportunity to summarise their case.

The applicant noted that the last offence was committed in 2007 and since then he had got married and had raised children. He had been unemployed for two years and this type of work would suit him. He acknowledged that he had been through a difficult period when

he had committed the different offences and that at the time he was suffering with depression and was under the care of his doctor. He had made a full recovery by now.

The relevant parties withdrew from the meeting whilst the Sub-committee members discussed the application.

The Sub-committee took into account the Council's guidelines on convictions which provide as follows –

- *“A firm line will be taken with applicants with convictions for grievous bodily harm, wounding, assault or any other type of offence of a violent nature.*
- *An applicant must be free of convictions for at least three years before an application is considered.*
- *In all cases, if a licence is granted, a strict warning will be given as to the standards expected of licensed drivers.”*

The last offence disclosed had happened more than five years ago and there was no evidence of any problems since then. Therefore, approving the licence would comply with the Council's policy. However, it was felt that before making a final decision on the application, it would be beneficial to receive details from the applicant's GP on his medical condition at the times when the offences were committed.

RESOLVED to defer considering the application in order to give the applicant an opportunity to submit medical evidence on his condition within two weeks.

The Language and Compliance Manager reported that he would aim to send out a letter within five working days notifying the applicant of the Sub-committee's decision.

4. AN APPLICATION FROM MR. B FOR A HACKNEY/PRIVATE HIRE DRIVER'S LICENCE

The Licensing Manager submitted the written report on the application received from Mr. B for a hackney/private hire driver's licence. She explained that a statement of convictions referred to relevant offences and, in such cases, officers did not have the right to consider the application. Therefore, this case was submitted for the sub-committee's consideration.

She referred to three offences committed during 2002 and 2010 and a caution that was given in 2008.

In considering the application, the following procedure was followed –

1. Members of the sub-committee were given an opportunity to ask questions of the Council's representative.
2. The applicant and / or his representative were invited to ask questions of the Council's representative.
3. The applicant and / or his representative were invited to expand on the application.
4. Members of the sub-committee were given the opportunity to ask questions of the applicant and / or his representative.
5. The Council's representative was invited to ask questions of the applicant and / or his representative.
6. The Council's representative and the applicant and / or his representative were given the opportunity to summarise their case.

The applicant elaborated on the different offences. He acknowledged that he had been drinking heavily for a period, especially in the evenings after finishing work. He confirmed that he had not drunk alcohol since the incident in 2010 and that he did not have alcohol in the house now. He noted that he had attended counselling sessions. He was eager to

obtain a licence as it would be a way of earning more money and since there was lack of work in the area.

The relevant parties withdrew from the meeting whilst the Sub-committee members discussed the application.

The Sub-committee took into account the Council's guidelines on convictions which provide as follows –

- *“A firm line will be taken with applicants with convictions for grievous bodily harm, wounding, assault or any other type of offence of a violent nature.*
- *An applicant must be free of convictions for at least three years before an application is considered.*
- *In all cases, if a licence is granted, a strict warning will be given as to the standards expected of licensed drivers.”*

The last offence disclosed had happened in 2010 and the Council's guidelines noted that the applicant must be free of convictions for at least three years before an application was considered. However, due to the nature of some of the incidents, it was not likely to pose a risk to people and the first offence was committed over 10 years ago. For this reason, the Sub-committee decided that the applicant was a suitable person to be granted a licence and, therefore, the application was granted. It was agreed to draw the attention of the applicant to the high standard of conduct expected from him as a hackney/private hire driver and for him to accept it as a strict warning regarding his behaviour in future.

RESOLVED to approve Mr B's application for a hackney/private hire driver's licence.

The Compliance and Language Manager reported that he would aim to send a letter within five working days, informing the applicant of the Sub-committee's decision, and informing him of the right to appeal against the decision within 21 days of receiving that letter.

5. SUSPENSION OF A HACKNEY/PRIVATE HIRE DRIVER'S LICENCE

Submitted – the report of the Licensing Manager noting that a hackney/private hire driver's licence had been suspended on 6 February 2012, following disclosure of information by North Wales Police and the Gwynedd Child Protection Panel. She provided details of the basis of the suspension that was in accordance with the provisions of Section 61 of The Local Government (Miscellaneous Provisions) Act 1976. She noted that the driver had currently been released on conditional bail by the police. She asked the Sub-committee to approve the suspension.

RESOLVED to approve the steps taken by the Licensing Enforcement Officers to suspend the hackney/private hire driver's licence.

The meeting commenced at 11.30am and concluded at 12.45pm.