
GENERAL LICENSING SUB-COMMITTEE, 22.04.13

Present: Councillor Eryl Jones-Williams (Chairman)
Councillors Eddie Dogan, Elfed Williams

Also Present: Geraint Edwards (Solicitor), Gwenan Williams (Licensing Manager) and Gwyn Parry Williams (Member Support and Scrutiny Officer).

Apology: Councillor Ann Williams

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 12A 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 noted that the sub-committee on 10 December 2012 had considered a previous application from the applicant, but the applicant or his representative had not attended the hearing at the time to explain the conviction which appeared on the report of the Criminal Records Bureau. The sub-committee had decided to refuse the application.

On 1 February 2013, a letter was received from the applicant's current employer, who operated a taxi business. He submitted evidence with the letter, explaining the background and circumstances in relation to the applicant's conviction. Guidance was received from the Chair of the Licensing Committee, Councillor W. Tudor Owen, on the matter, who directed that this was a matter for the sub-committee to determine. Further legal guidance was received afterwards, and the applicant was directed to obtain a new Criminal Records Bureau check, as the report from the original application was over six months old. The applicant then submitted a new application for a taxi driver's licence.

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 he had not driven taxis for a number of years. He had experienced problems with gambling in the past and had stolen a significant amount of money from his employer. He had consequently lost his job. He had had to undertake 300 hours of local community service, and by now he had obtained a permanent post with that employer. He confirmed that he attended Gamblers Anonymous meetings fairly regularly, and held meetings with his minister. He was keen to have a taxi licence in order to earn more money to support his family and pay off the debts.

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 provided 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 disclosed offence had happened in October 2011 and the Council's guidelines stated that an applicant must be free of convictions for at least three years before an application could be considered. A report by the Criminal Records Bureau referred to stealing from his previous employer, and he had therefore abused a position of trust, which was relevant in the context of a taxi driver's responsibilities. The Sub-committee considered the offence to be serious, and that being able to trust a driver, due to the nature of his work, was essential. For these reasons, it was resolved to refuse the application.

RESOLVED to refuse Mr A's application for a hackney/private hire driver's licence.

The Solicitor 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 his right to appeal against the decision within 21 days of receiving that letter.

4. URGENT ITEM

(The following item had not been included on the sub-committee's agenda; however, the Chairman agreed to include the item under Section 100B (4)(b) of the Local Government Act 1972, because the application had been received after the agenda had been sent to members and because of the need for an early decision.

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 noted that the last offence had been committed in 2004. The application had been submitted originally to the sub-committee on 4 March 2013, where it was decided to defer a decision in order to give the applicant an opportunity to submit medical evidence of his condition. A letter was received from the doctor giving details of the applicant's medical condition between March 2003 and September 2004, but it did not refer to his mental health illness.

The applicant notified members that it had been discovered in 2006 that he was suffering from a mental health illness.

In light of the fact that the doctor's letter did not contain current information regarding the applicant's mental health illness, the sub-committee was of the opinion that the application should be deferred further until that information had been received.

RESOLVED to defer considering the application further in order to give the applicant an opportunity to seek further medical evidence of his condition from November 2006 onwards.

The Solicitor 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 his right to appeal against the decision within 21 days of receiving that letter.

The meeting commenced at 2.00pm and concluded at 2.45pm.