
GENERAL LICENSING SUB-COMMITTEE, 22.07.13

Present: Councillor Eryl Jones-Williams (Chairman)
Councillors Chris Hughes, Llywarch Bowen Jones

Also Present: Siôn Huws (Compliance and Language Manager), Gwenan Williams (Licensing Manager) and Gwyn Parry Williams (Member 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 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.

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 been at home for months following an accident and that he looked after his children. He had been working for different taxi companies between 1990 and 1992. He acknowledged that he had been accused of theft on several occasions between 1974 and 1983 but he had not thieved since then. His last offence had

been in May 2001 and since then he had not offended. He was eager to have a taxi licence in order to earn more money to support his family.

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 stated the following –

- *“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 three years ago and therefore the application was one that could be considered. Consideration was given to the fact that twelve years had elapsed since the offence and that there was no evidence the applicant had been in any trouble since then. The Sub-committee felt that the applicant had acknowledged the seriousness of the offences and had accepted responsibility for them and showed remorse. Consequently, after careful consideration of the evidence and for the above reasons, the Sub-committee decided that the applicant was a suitable person to hold a driver's licence, and the application was approved. However, 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.

The Licensing Manager further noted that the applicant had drawn her attention to the fact that the owner of the taxi company that employed him intended to undertake contracts for schools. She asked if the Sub-committee would be satisfied for the applicant to undertake this type of work or to undertake other contracts for a while before working on school contracts. Members were of the opinion that there was no basis to object to this but perhaps the Education Department had its own guidelines on this.

RESOLVED to approve Mr A'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.

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.

The applicant was not present at the Sub-committee but the members agreed that the application should be considered in his absence.

The Sub-committee considered a report from the Criminal Records Bureau which disclosed a conviction dated 4 September 2012 for theft by an employer. The Council's policy on convictions was considered, which stated that a person with a conviction(s) need not be permanently barred from obtaining a licence, but should be expected to be free from conviction for three to five years, according to the circumstances before a licence was considered.

The Sub-committee agreed that the offence was serious and was of the opinion that being able to trust a driver, due to the nature of his work, was essential. Therefore, it was resolved to refuse the application.

RESOLVED to refuse 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.

The meeting commenced at 10.30am and concluded at 11.50am.