
GENERAL LICENSING SUB-COMMITTEE, 10.12.12

Present: Councillor W. Tudor Owen (Chairman)

Councillors Angela Russell, Elfed Williams

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 member 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 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 gave details of the incident on 30 August 2011 when he was heavily provoked by two other persons and caused physical harm. He promised that something like this would not happen again. He was currently unemployed and obtaining a licence would be a way for him to get back into work.

The owner of the business was present at the meeting to speak on behalf of the applicant and testified to his character and confirmed that he was eager to employ the applicant.

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 conviction 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 occurred within the period of three to five years noted in the policy and consideration was given to refusing the application for that reason. However, given that only one offence had been disclosed and that this, given the age of the applicant, appeared to be an isolated incident with no pattern or history of similar behaviour. For the above reasons, the Sub-committee decided that the applicant deserved a chance and was a suitable person to be granted a licence and, therefore, the application was granted. 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.

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 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 27 January 2012 for theft by an employee. Consideration was also given to additional observations by the police regarding the theft. This information was disclosed as the applicant had abused a position of trust and that this was especially relevant in the context of the responsibilities of a taxi driver. The Council's policy on convictions was also 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, and whilst the Council could use its discretion, its overriding consideration should be the protection of the public. The Policy specifically stated that a

serious view would be taken of any convictions involving dishonesty and that a period of at least three to five years free from conviction should be required before an application 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. The Council Policy reflected this and no evidence had been presented to the Sub-committee which suggested that the Policy should not be adhered to in this case. 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.

5. AN APPLICATION FROM MR. C FOR HACKNEY/PRIVATE HIRE DRIVER'S LICENCE

The Licensing Manager submitted the written report on the application received from Mr. C 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 gave details of the domestic, family incident on 27 May 2007 and confirmed that these problems no longer existed and that something like this would not happen again.

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 conviction 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. For these reasons, the Sub-committee decided that the applicant was a suitable person to be granted a licence and, therefore, the application was granted. 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.

RESOLVED to approve Mr C'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.

6. AN APPLICATION FROM MR. D FOR HACKNEY/PRIVATE HIRE DRIVER'S LICENCE

The Licensing Manager submitted the written report on the application received from Mr. D 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 gave details of the incident when a person attacked him and his friend without any provocation and that he had tried to defend himself. He noted that he had been driving taxis for ten years without any difficulties.

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 conviction 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 Criminal Records Bureau report had disclosed a police caution, dated 21 October 2011 for an offence under the Public Order Act 1986. Consideration was given to the Council's guidelines on offences which stated that in general, an application showing a caution may be considered and approved but the overriding consideration should be the protection of the public. Consideration was given to the applicant's explanation for the incident and taking into account that this was a public order offence rather than an offence of physical violence. On the other hand, the attacker was given a period of 18 months imprisonment for the attack. It was also noted that the applicant had been driving taxis for ten years without any difficulties. There was no reason to believe that public safety would be put at risk by granting the licence. For these reasons, the Sub-committee decided that the applicant was a suitable person to be granted a licence and, therefore, the application was granted.

RESOLVED to approve Mr D'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.

7. AN APPLICATION FROM MR. E FOR HACKNEY/PRIVATE HIRE DRIVER'S LICENCE

The Licensing Manager submitted the written report on the application received from Mr. E for a hackney/private hire driver's licence. It appeared from the Criminal Records Bureau report that the applicant had no convictions, but the police disclosed additional information on the report that was relevant to the application regarding two incidents on 24 July 2007 and 5 May 2012, and in such cases, officers did not have the right to consider the application and therefore this case was submitted for the consideration of the sub-committee.

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 explained that he had been unemployed for five years and that he wished to work and as he liked driving, a job as a taxi driver would be appropriate. He referred to the syndrome he was suffering from and that working as a taxi driver would enable him to meet new people and make new friends. Having up to four people in the car would not cause any problems. He noted his intention to attend a social skills course and suggested perhaps the sub-committee would wish to approve the licence after he had attended that course.

A Social Worker and a representative from the Advocacy Service were also present at the meeting when it was explained that the Social Services Department would provide support for the applicant. It was noted that the applicant had recognised his mistakes and had promised to act appropriately from now on.

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 conviction 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 sub-committee understood that the applicant wanted to work and recognised the problems caused as a result of his condition but the main consideration at all times was public protection. Although no convictions had been disclosed, the members had evidence of inappropriate behaviour. Such behaviour was inappropriate and a licence could not be permitted if there was a real possibility of such behaviour arising again. The latest case had taken place this year and although the Council's policy referred to convictions, it was based on the principle that the applicant was expected to be free from inappropriate behaviour for a sufficient period of time before the licence could be considered, usually three to five years. It was considered that support was available for the applicant but that support would not be available to him when he would be working alone as a taxi driver. There were also concerns about his safety when dealing with the type of difficult and offensive situations that taxi drivers had to face. It was noted that it was necessary for the licensing authority not to permit a licence unless it was “satisfied that the applicant was a fit and proper person to hold a driver's licence.” For the reasons noted above, the sub-committee was not satisfied that he was such a person and therefore decided to refuse the application. However, the applicant was encouraged to attend the social skills course and to take advantage of the support that was available.

RESOLVED to refuse Mr E'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 1.30am and concluded at 3.20pm