
GENERAL LICENSING SUB COMMITTEE 17/10/18

Present: Councillor Peter Read (Chairman), Councillors Stephen Collings and Gareth Williams

Officers: Geraint B. Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager), Rhian Jones (Licensing Officer) and Lowri Haf Evans (Member Support Officer).

1. APOLOGIES

None to note

2. DECLARATION OF PERSONAL INTEREST

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

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, nor 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

The Chairman welcomed everyone to the meeting. He highlighted 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 and the aim was to protect the public by ensuring that:

- A person is a fit and proper person
- The person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safeguarding of children and young people
- The safeguarding of vulnerable persons
- The public have confidence in their use of licensed vehicles.

The applicant was invited to expand on his application and provide information about the background of the offence and also his personal circumstances. Mr A noted that his behaviour was out of character and that he was not a violent person. He regretted what had happened and had been annoyed for some time

by the victim. He added that he had a quality taxi company, that he employed local drivers and his priority was to retain the business.

The video was shown to the Sub-committee and the applicant explained the incident.

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

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.

In reaching their 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, documents, photographs submitted by the applicant during the hearing
- reference letters received supporting the applicant's application.
- the Licensing Department's report along with the DBS statement disclosing convictions.

Specific consideration was given to the following matters.

The applicant had received a formal warning from North Wales Police (May 2018) on a charge of assaulting a person contrary to section 39 of the Criminal Justice Act 1988.

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 automatically barred from obtaining a licence, but would normally be expected to remain free of conviction for an appropriate period as stated in the Policy, and to show evidence that he/she is a fit and proper person to hold a licence. The applicant has a responsibility to show that he/she is a fit and proper person.

Paragraph 2.3 of the Policy was considered, where reference is made to formal warnings.

Paragraph 6 of the Policy addresses offences of violence and paragraph 6.2 notes that an application where an applicant who has been found guilty of violence-related offences is unlikely to receive a licence until they have been free from such convictions for at least three years.

Paragraph 6.5 of the Policy states that an application for a licence will usually be refused if the applicant has a matter to be considered (including warnings) for common assault that is less than three years prior to the date of application.

The Sub-committee concluded that the warning dating from 2018 was in relation to a violent offence. It was noted that the warning had occurred less than 6 months ago and was therefore within three years. In accordance with paragraph 6.5 of the Policy, and the recommendation of the Licensing Manager, the initial considerations were in favour of refusing the application. However, the Sub-committee was also aware that the Policy was only a guide, and that it was possible to deviate from it if there was justification.

The Sub-committee determined that the circumstances of this application justified

a deviation from the Policy, for the following reasons:

- That the applicant had shown remorse for the assault
- The incident was out of character and this was highlighted in the many reference letters received supporting the applicant's application
- That there was no record of any conviction or warning against the applicant as noted on the DBS record
- That the applicant was already under caution by the Police and was therefore aware not to breach the law again
- That the attack was not a violent one against the public, but rather against another competitor in the taxi industry.
- The victim of the attack was not without blame. The attack had been provoked, in a location that had CCTV coverage
- The attack had arisen in the context of a lengthy campaign of harassment and provocation by the victim of the attack
- An honest explanation was given as to why the applicant had not appealed against the decision (11.05.18) to remove his licence - he was going through a difficult personal time regarding his son's health.

The Solicitor reported that the decision would be confirmed formally by letter sent to the applicant and the Licensing Unit would be in contact to confirm the licence documentation.

The meeting commenced at 2.15 pm and concluded at 3.25 pm

CHAIRMAN