
GENERAL LICENSING SUB COMMITTEE 3/06/19

Present: Councillor Peter Read (Chairman), Councillors Annwen Hughes and Angela Russell

Officers: Geraint B Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager), 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, or 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

a) The Chairman welcomed everyone to the meeting. He explained 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 with the aim of protecting the public by ensuring that:

- The person is a fit and proper person
- The person does not pose a threat to the public
- The public are safeguarded from dishonest persons
- Children and young people are protected
- Vulnerable persons are protected
- The public have confidence in using licensed vehicles.

The Licensing Officer presented a written report on an application received from Mr A for a hackney/private hire driver's licence. The Sub-committee was requested to consider the application in accordance with the DBS record, and the guidelines on relevant criminal offences and convictions.

The applicant was invited to expand on his application and provide information about the background to the offences and his personal circumstances. He explained that all the incidents were part of his past and that he was now seeking a job that would give him more flexibility to support his wife and children. His prospective employer supported his application.

The applicant and his prospective employer withdrew from the room while the Sub-committee members discussed the application.

- b) **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.**
- c) In reaching its 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 presented by the applicant and his prospective employer during the hearing
 - a reference he had received from the Local Member
 - the Licensing Department's report along with the DBS statement
- ch) The applicant received two convictions in January 1990 from Caernarfon Magistrates' Court for offences of criminal damage contrary to the Criminal Damage Act 1971. He was ordered to pay a fine of £50, damages of £423 and costs of £15. In his application form the applicant noted that he had been disqualified from driving in 1992 due to a drink drive conviction. He confirmed that the disqualification had ended in 1993.
- d) 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 permanently barred from obtaining a licence, but should be expected to be free from conviction for an appropriate period as stated in the Policy, and to show evidence that he was a fit and proper person to hold a licence. The applicant has a responsibility to show that he is a fit and proper person.

Paragraph 4.5 of the Council policy was considered, which stated that the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 allowed the Sub-committee to take into account all convictions recorded against an applicant, whether spent or otherwise under the 1974 Act.

Paragraph 6 of the Policy deals with offences of violence, and paragraph 6.5 states that an application for a licence will normally be refused if the applicant has a matter of criminal damage to be considered which occurred less than three years before the application date. The paragraph lists offences and criminal damage is included in the list. Paragraph 6.6 states that an application will normally be refused if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

Paragraph 11.1 of the Council policy deals with drink driving and states that a

single conviction may not result in an application being refused provided that at least three years have elapsed since the ending of the disqualification. Paragraph 12.0 of the policy deals with motoring convictions and paragraph 12.10 notes that an application will normally be refused where the applicant has a conviction or other matters to be considered resulting in a period of disqualification of 12 months or more, unless a period of at least 18 months has elapsed from the end of the disqualification period.

dd) The Sub-committee gave specific consideration to the following matters

The Sub-committee determined that the 1990 offences were violent offences. However, as these offences had occurred over 29 years ago, beyond the period of 10 years, paragraph 6.6 of the Policy was irrelevant and there was no reason to refuse the application. In considering the 1992 drink drive offence, the Sub-committee determined, as 26 years had elapsed since the disqualification had ended, that it was not possible to refuse the application under paragraphs 11.1 and 12.0.

The Sub-committee was of the opinion that the applicant was a fit and proper person to hold a hackney vehicle and private hire driver's licence.

The Solicitor reported that the decision would be confirmed formally by letter to the applicant.

The meeting commenced at Time Not Specified and concluded at Time Not Specified

CHAIRMAN