
GENERAL LICENSING SUB COMMITTEE 10/06/24

Attendance:

Councillors: Elfed Williams (Chair), Annwen Hughes and Edgar Owen

Officers: Siôn Huws (Senior Solicitor – Corporate), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democracy Services Officer)

Others invited:

Item 5: Applicant – Mr A

1. APOLOGIES

None to note

2. DECLARATION OF PERSONAL INTEREST

None to note

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 12A 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

The Chair welcomed everyone to the meeting. He explained that the decision would be made in accordance with Cyngor Gwynedd'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 Manager presented the written report on the 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 relevant convictions.

The Licensing Authority recommended that the Sub-committee should refuse the application.

The applicant was invited to expand on the application and provide information about the background of the offences and his personal circumstances. He highlighted that the offences had occurred during his time in the army and that he had not offended since. He reiterated that he was now working full time and seeking work on the weekend to get a second income to buy a house locally.

In response to a question by the Licensing Manager regarding his ability to control his temper when dealing with challenging customers, he noted that he had matured since his time in the army, and he could ignore any trigger to respond violently.

RESOLVED that the applicant was a fit and proper person to be issued with a 12-month hackney/private hire vehicle driver's licence from Cyngor Gwynedd.

In reaching its decision, the Sub-committee considered the following:

- The requirements of 'Cyngor Gwynedd's Licensing Policy for Hackney Carriages and Private Hire Vehicles'
- The report of the Licensing Department
- DBS Statement
- The report of the Driver and Vehicle Licensing Agency
- The applicant's application form
- Verbal observations by the applicant

Specific consideration was given to the following matters:

Background

In June 2017, the applicant was found guilty of common assault, contrary to the Criminal Justice Act 1988 (S.39) at Surrey Magistrates Court. He received a fine of £350.00, costs of £85, compensation of £200 and a Surcharge of £35 to the Victim.

In May 2017, the applicant was found guilty of Destroying / Damaging Property (value of the damage being less than £5000) under the Criminal Damages Act 1971.

In April 2013 the applicant was found guilty of 3 incidents of Serious Driving Offences contrary to the Road Traffic Act 1988 S.5 (1) (A). He received a fine of £300 and was disqualified from driving for 12 months.

In November 2021, the applicant received six penalty points for failure to provide information about the identity of a driver – these points would expire 17 November 2024.

No other convictions to consider

RELEVANT CLAUSES OF THE POLICY

Paragraph 2.2 of the Council's Policy was considered, which states that a person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but he would be expected to have been free of any conviction for an appropriate period as stated in the Policy, and to show evidence that he is a fit and proper person to hold a licence. The onus was on the applicant to prove that he was a fit and proper person. Paragraph 2.4 stated that when an applicant had a conviction(s) or there were other matter(s) to be considered in connection with that, the Council could not review the merits of that conviction or the other matter.

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

Paragraph 6.0 of the Policy addressed violent offences. Paragraph 6.1 stated that, since licensed drivers came into close contact regularly with the public, the sub-committee shall adopt a firm stance towards those who had offences involving violence.

Paragraph 11.0 which addressed drink-driving offences, was considered. In paragraph 11.1, it was noted that a serious view would be taken of convictions for driving or being in charge of a vehicle under the influence of alcohol / drugs. Anyone who had been found guilty of offences relating to drink-driving was unlikely to receive a licence until they had been free from such conviction(s) for at least three years. A conviction for 'refusing or failing to provide a sample' was dealt with in the same manner.

Section 12 of the Policy related to motoring convictions, and paragraph 12.2 listed serious traffic offences for the purposes of the Policy. Amongst the offences were IN10 (use of an uninsured vehicle). It was noted that an application would normally be refused (12.10) where the applicant had a conviction resulting in a period of disqualification of 12 months or more unless a period of 18 months had elapsed from the end of the disqualification period.

CONCLUSIONS

The Policy's provisions, the applicant's explanation of the circumstances, and the Licensing Manager's recommendation were considered. The members believed that the convictions, individually, satisfied the policy's criteria, however, with the number of convictions, the Sub-committee needed to consider the pattern of re-offending.

The serious driving convictions had happened 10 years ago and the current points that were on the applicant's licence would expire in November 2024. However, concern was highlighted that the 2017 convictions involved violence, and in accordance with the policy's requirements, 10 years had not elapsed. However, consideration was given to the fact that seven years had elapsed since the 2017 convictions and that the applicant's situation had changed since then. He was now out of the army and in a fixed and full-time employment. With the need to show that this type of behaviour belonged in the past, it was considered appropriate in this case to approve the licence for only a year and for any licence renewal application to appear before the Sub-committee in 12 months' time.

The Sub-committee determined in favour of granting the application. It was determined that the applicant was a fit and proper person to hold a hackney and private hire vehicle driver's licence for 12 months.

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

The meeting commenced at 11.15 am and concluded at 12.05 pm

CHAIRMAN