
GENERAL LICENSING SUB COMMITTEE 2/12/24

Attendance:

Councillors: Elfed Williams (Chair), Gareth T Jones and Gwynfor Owen

Officers: Nia Grisdale (Legal Service Manager), Rhian Medi (Licensing Compliance Officer) and Lowri Haf Evans (Democracy Services Officer)

Others invited: Item 5:

Applicant - Ms 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

It was **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 Ms 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 because the applicant had accrued points quickly for more than one driving offence during 2022-23. However, it was suggested that the Sub-committee should consider the decision of the Magistrates' Court not to prevent the applicant from driving for accruing points for these offences.

The applicant was invited to expand on the application and provide information about the background of the driving offences and her personal circumstances. She noted that she was under pressure from her previous employer to complete trips as quickly as possible to ensure that she could get paid. She reiterated that her attitude had changed since the driving offences, and that she regretted it and had learnt lessons. She really enjoyed working as a taxi driver and believed that her role as a woman driving taxis gave assurance to women who were travelling alone to feel safe in a taxi. She noted that she felt much better and had received good support since changing companies.

RESOLVED that the applicant was a fit and proper person to be issued with a 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
- The applicant's application form
- DBS Statement
- The report of the Driver and Vehicle Licensing Agency
- Details of the Court Notice of a Fine and Collection Order
- Verbal observations by the applicant

Specific consideration was given to the following matters:

Background

In November 2022, the applicant received three penalty points for driving faster than the statutory speed limit on a public road (SP30), i.e. speeding.

In July 2023, the applicant received six penalty points for driving faster than the statutory speed limit on a public road (SP30), i.e. speeding. She received a fine of £250.00. The applicant attended the Court to persuade the magistrate not to ban her from driving. The Magistrates were persuaded that she should not be banned from driving.

The applicant had been honest and had contacted the Licensing Department to inform them of the points and about the decision of the Magistrates' Court.

There were 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 will be expected to have been free of any 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 onus was on the applicant to prove that he/she 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 take into account all convictions recorded against an applicant, whether spent or otherwise, under the 1974 Act.

Paragraph 13 which related to minor traffic offences was considered, and paragraph 13.3 was considered, as it stated that one conviction for a minor driving offence could lead to an application being refused, especially if there were several convictions to be considered for the same offence.

CONCLUSIONS

The Policy's provisions, the applicant's explanation of the circumstances, and the Licensing Manager's recommendations to refuse the application were considered.

The Sub-committee was of the opinion that section 13 of the Policy was relevant. The Sub-committee gave consideration to the fact that the applicant had two offences for speeding and that being within eight months of each other, and in addition, that the second offence was driving at a speed of approximately 103mph in the taxi (although it was accepted that no passengers were present).

The applicant's comments of regretting this since receiving the convictions were also considered. During the hearing, her very open and honest account of the incidents and her circumstances was also accepted. It was acknowledged that she had learnt lessons about speeding and the Sub-committee was satisfied that no further offences of this type would happen.

The Sub-committee was also of the opinion, when the applicant informed the Department that she had received further points on her licence due to the offences, that no steps were taken by the Authority to revoke the licence and she was allowed to continue to drive a taxi until her licence expired.

Having weighed-up all the factors carefully, the Sub-committee concluded that the applicant was currently a fit and proper person to hold a hackney and private driver's licence.

The Solicitor reported that the decision would be confirmed formally by letter to the applicant and the comments from the Applicant's Representative regarding the hearings procedure would be considered.

The meeting commenced at 12.10 pm and concluded at 1.00 pm

CHAIRMAN