
GENERAL LICENSING SUB-COMMITTEE 17-12-24

Attendance:

Councillors: Annwen Hughes (Chair), Edgar Owen and Linda Ann Jones

Officers: Nia Grisdale (Legal Service Manager), Gwenan Mai Roberts (Licensing Manager), Tomos Wyn Jones (Public Protection Enforcement Officer), Rhian Medi (Licensing Compliance Officer) and Lowri Haf Evans (Democracy Services Officer)

Others invited:

Applicant - Mr A
Mr A's Representative / Employer

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 DRIVER'S LICENCE – Mr A

The Chair welcomed everyone to the meeting. She 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.

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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 'other issues' relating to an individual's suitability to be a driver of a hackney/private hire vehicle.

The Licensing Authority recommended that the Sub-committee should refuse the application because the applicant's conduct in a recent collision did not meet the standard expected of a taxi driver.

The applicant's representative was invited to expand on the application and provide information about the background of the collision and the applicant's personal circumstances. He noted that the applicant had been a reliable taxi driver since 2010 and that no complaint had been received about his driving. It was explained that although the applicant left the scene of the accident, he had done so for understandable reasons and had contacted his employer to deal with the incident.

In response to a question as to why the police had not brought proceedings against the applicant, it was noted that while the police had responded to the incident, it was confirmed by letter that there would be no further action.

It was RESOLVED that the applicant was not a fit and proper person to be issued with a hackney carriage/private hire driver's licence from Cyngor Gwynedd.

In reaching its decision, the Sub-committee had 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
- Driver Licence Revocation
- Closed Circuit Television (CCTV) evidence
- Verbal representations made by the applicant's representative

Specific consideration was given to the following matters

Background

In August 2024, a notice was issued to the applicant under section 61 of the Local Government (Miscellaneous Provisions) Act 1976 that immediately revoked the applicant's taxi driving licence – on the basis of CCTV evidence of a collision.

The applicant had driving offences spanning more than 10 years, with one minor traffic offence resulting in 3 points for speeding which remained on his licence.

RELEVANT CLAUSES OF THE POLICY

Paragraph 1.5 of the Council's Policy was considered where it stated that if applicants did not disclose any convictions; notices; penalty notices, orders or previous reprimands on their application form, including any pending court proceedings or other matters, they would be referred to the attention of the Licensing Committee for a decision.

Paragraph 2.2 of the Council's Policy was considered, which stated 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 any conviction for an appropriate period as stated in the Policy, and to show evidence that he/she was a fit and proper person to hold a licence. The applicant had a responsibility to show that he/she was a fit and proper person. Paragraph 2.4 stated that when an applicant had a

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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.

CONCLUSIONS

The Sub-committee was of the opinion that the applicant had caused a collision and although he had initially remained with the individual, he left the scene of the accident with others caring for the individual so that he could continue with his work of transporting a customer. Leaving the scene of an accident was considered an offence and the Sub-committee was not of the opinion that this was the action of a responsible taxi driver, therefore highlighting that he was not a fit and proper person to hold a licence in accordance with the Licensing Organisation's Policy and Guidance.

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 10.00 and concluded at 11.10.