

GENERAL LICENSING SUB-COMMITTEE 05-11-25

Attendance:

Councillors: Gwynfor Owen (Chair), Arwyn Herald Roberts and Elfed Williams

Officers: Nia Grisdale (Legal Service Manager), Gwenan Mai Roberts (Licensing Manager), Andrew Lloyd Parry (Trading Standards and Licensing Manager, and Lowri Haf Evans (Democracy Services Officer)

Item 5: Applicant Mr A and his representative

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 RENEWAL OF HACKNEY / PRIVATE HIRE VEHICLE DRIVING LICENCE – Mr A

The Chair welcomed everyone to the meeting. He highlighted 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 can be confident in the use of licensed vehicles

The Licensing Manager submitted a written report on an application by Mr A to renew a hackney/private hire vehicle driving licence. Two CCTV videos of the accident of which the applicant had been accused were shown – both videos had been submitted as evidence by

the applicant. The Sub-committee was asked to consider the application in accordance with what related to an individual's suitability to be a hackney/private hire vehicle driver.

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

In response to a question regarding whether a letter was sent to hackney/private hire vehicle drivers reminding them that their licence was expiring, it was confirmed that the Licensing Unit had an arrangement in place, but in this case the applicant had recently moved house. It was added that it was a legal requirement for the applicant to notify the Unit of any changes in circumstances.

In response to a question about the speed of the car when it hit a member of the public, it was noted that although there was no evidence of the speed, evidence from the person who was hit noted that 'the driver was not driving unreasonably'.

The applicant's representative was invited to elaborate on the application providing information about the background of the driving offence of which the applicant was accused, and his personal circumstances. He stated that he had pleaded guilty to the charge and accepted the seriousness of the situation – if he lost his licence, he would lose his job. He reiterated that he had been a hackney/private hire vehicle driver for over 15 years and had a clean driver's licence and had not received any complaints about his work.

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.

- **Reason:** When an applicant for a hackney and private hire vehicle driver's licence has any criminal convictions or cautions, the application will be referred to the General Licensing Sub-committee for a decision. The task of the Sub-committee is to determine whether the applicant is a fit and proper person to hold a licence. In coming to that decision, the Sub-committee is required to consider Cyngor Gwynedd's Hackney Carriage and Private Hire Vehicle Licensing Policy. However, each application will be decided on its own merits where circumstances require the Sub-committee to deviate from any recommendations set out in the Policy.

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

- The requirements of Cyngor Gwynedd's 'Hackney Carriage and Private Hire Vehicle Licensing Policy'
- Individual Suitability Guidelines
- The Licensing Department's report
- The applicant's application form
- Applicant's DBS – no record of convictions
- The report of the Driver and Vehicle Licensing Agency
- North Wales Police charge sheet
- UK Government guidance on penalty points
- References in support of the applicant
- Verbal representations by the candidate and his representative

Specific consideration was given to the following matters:

Background

In November 2025 the applicant received 6 penalty points and a £390 fine for driving without due care and attention in contravention of Section 3 of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988.

In September 2025 it was found that the applicant's hackney/private hire vehicle licence had expired in July 2025.

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 they will be expected to have been free of any conviction for an appropriate period as stated in the Policy, and to show evidence that they are 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 states that when an applicant has a conviction(s) or there are other associated matter(s) to be considered, the Council cannot review the merits of that conviction or other matter.

Paragraph 4.5 was considered which states that the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 allows the Sub-committee to take into account all convictions recorded against an applicant, whether spent or not, under the 1974 Act.

Section 13 relates to minor traffic offences and mainly refers to offences that are not listed in paragraph 12.2 of the Policy. Paragraph 13.1 defines a 'minor traffic offence' as an offence that incurs between 1 and 3 penalty points. Paragraph 13.3 was considered, which states that "More than one minor traffic conviction or other matter to be considered may result in a refusal, particularly where there are several convictions or other matters to be considered for the same offence, e.g. speeding. A licensed driver may be referred to the Licensing Committee where there are more than two offences and/or a total of 6 points on their licence.

The Institute of Licensing Document 2024 (adopted by the Licensing Committee as additional guidance to support the Council's Conviction Policy – Fitness Criteria for Drivers and Operators 2014), provides additional guidance for Members to consider where there are no convictions on the applicant's DBS certificate, but where there are additional issues to consider before deciding if an individual is a fit and proper person to hold a taxi driver's licence. Public protection is the most crucial factor in assessing an applicant's suitability to hold a taxi driver's licence.

Clause 4:50 of the Institute of Licensing's document states that drivers of hackney and private hire vehicles are professional drivers with the responsibility of transporting the public. Any driving conviction can be a sign of a lack of professionalism and an issue to be taken seriously.

CONCLUSIONS

The Sub-committee accepted that the applicant had received a conviction for the accident in April 2025. A full explanation of the incident was provided by the applicant's representative, emphasising that the conviction for the offence was among the least serious motor vehicle offences. Observations were submitted regarding his excellent driving record as a taxi driver for over 15 years. The Licensing Unit confirmed that no incident or complaint had been referred to the Unit about the applicant during the period. The Sub-committee regarded this as evidence of a responsible taxi driver and highlighted his good character. It was stated that the accident occurred after dark on a dangerous corner, and that the evidence suggested by witnesses indicated that the applicant was not driving above expected speed limits or driving unreasonably.

Consideration was given to the content of the reference letters received which reinforced the applicant's good character and confirmed that there were no problems with his work as

a taxi driver. The Sub-committee accepted the candidate's honest comments that he fully understood the seriousness of the situation.

In the context of a reason for failing to renew his licence in a timely manner, his explanation for not receiving a reminder letter was accepted, possibly because he had moved house, but the Sub-committee emphasised that it was the individual's legal responsibility to renew a licence, without having to rely on the receipt of a reminder letter.

After carefully weighing up all the factors, it was determined that the applicant was a fit and proper person to be issued with a licence.

The Solicitor reported that the decision would be confirmed formally by letter to the applicant, highlighting his right to appeal the decision.

The meeting started at 14:30 and ended at 15:40