
GENERAL LICENSING SUB COMMITTEE 10/02/26

Attendance:

Councillors: Gwynfor Owen (Chair), Gwilym Evans and Huw Rowlands

Officers: Nia Grisdale (Legal Service Manager), Rhian Meredith (Licensing Compliance Officer), Nicola Williams (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

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 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 have confidence in using licensed vehicles.

The Licensing Compliance Officer presented a written report on an application by Ms A to renew a hackney/private hire vehicle driving licence. The Sub-Committee was asked to consider the application according to what relates to an individual's suitability to be a private hackney/hire vehicle driver.

In accordance with the Suitability Criteria for Drivers and Operators, the Licensing Authority recommended that the Sub-Committee refuse the application.

In response to a question on whether the applicant had disclosed details of the offences to the Licensing Unit, the Licensing Compliance Officer stated that the information had not been disclosed to them, and the details had not been included on the application form.

The applicant was invited to elaborate on the application giving information about the background of the three occasions on which she had received the penalty points, and her personal circumstances. After receiving the penalty points, she revealed that she had made an appointment with the optician where she was found to have an eye impairment. As a result, she was advised to wear appropriate glasses for driving in the dark. She reiterated that she had not received penalty points since July 2024. She stated that she had not disclosed the penalty points on her application because her Employer had completed the form on her behalf. She accepted the seriousness of the situation, that if she lost her licence, she would lose her job.

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'
- Individual Suitability Guidelines
- The Report of the Licensing Department
- The applicant's application form
- The applicant's DBS – no record of convictions
- The report of the Driver and Vehicle Licensing Agency
- Verbal observations by the applicant

Specific consideration was given to the following matters:

Background

In December 2023 the applicant received 3 penalty points (SP30) for exceeding the statutory speed limit on a public road

In July 2024 the applicant received 3 penalty points (SP30) for exceeding the statutory speed limit on a public road

In July 2024 the applicant received a further 5 penalty points (SP30) for exceeding the statutory speed limit on a public road and a £200 fine at North East Wales

Magistrates' Court

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 is on the applicant to prove that he/she is 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. Consideration was given to paragraph 13.3 which states that "More than one conviction for a minor traffic offence 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 a Licensing Sub-Committee if there are more than two offences and/or a total of 6 points on the licence.

CONCLUSIONS

The Sub-Committee accepted that the applicant had three speeding offences within just over 8 months of each other, and an explanation was obtained about each of the speeding incidents, their locations and times (at night).

In accordance with the Policy, more than one conviction for a minor traffic offence, particularly if there was a pattern to the behaviour, could result in the refusal of a licence. After carefully weighing up all the factors, and acknowledging that the applicant had shown remorse for the offences, the Sub-committee's decision was that three instances of speeding showed a pattern and therefore they were not convinced that she met the expected standards for a taxi driver.

The Sub-Committee weighed up all the relevant factors, taking into account the applicant's circumstances and comments regarding the driving offences. While accepting the applicant's explanation regarding her eye impairment, the Sub-Committee remained concerned about the number of points on the licence – a significant number considering the timeframe in question. In addition, the Sub-Committee was disappointed that the offences had not been declared on the application form. The Sub-committee appreciated her honest account of the circumstances and the answers presented to the questions. However, given that the level of penalty points was significantly high, granting a licence under the circumstances would be contrary to policy.

As per the Institute of Licensing's Document the Sub-Committee must satisfy themselves that the applicant has shown themselves to be a responsible, fit and proper person to hold a licence. In this case, on the basis of probability, the Sub-Committee was not satisfied that they could be confident that the applicant met the

standards for a taxi driver.

The Solicitor reported that the decision would be confirmed formally by letter to the applicant and highlighted her right to appeal the decision.

The meeting commenced at 10.00 am and concluded at 10.40 am

CHAIRMAN