

GENERAL LICENSING SUB-COMMITTEE 22.08.2017

Present: Councillor Eryl J Williams (Chair), Councillors Edgar Owen and Steve Collings

Officers: Geraint B. Edwards (Solicitor), Gwenan M Roberts (Licensing Manager), Cheryl Morgan (Licensing Officer) and Lowri Haf Evans (Member Support Officer).

1. APOLOGIES

None to note

2. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any members present.

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 12 A, 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, nor 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 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 asked to consider the application in accordance with the DBS record, and in accordance with the guidelines on relevant criminal offences and convictions.

The applicant's representative was invited to expand on the application and provide information about the background of the offences. It was highlighted that the applicant had received a hackney licence from Anglesey Council (15.8.17) through an interview process - a copy of the licence was circulated for information. It was reiterated that the applicant had not offended since 2008. He was now a reformed character, was a family man and was the father of four children.

In response to an observation, the Licensing Manager noted that the delegation of rights plan in the Isle of Anglesey Council was different to the arrangements in Gwynedd, as Gwynedd officers did not have the right to make a decision if offences were recorded on the DBS report. It was highlighted that the Licensing Unit was unaware that the application for a hackney licence had been approved by the Isle of Anglesey Council.

The applicant and his representative withdrew from the room while the Sub-committee members discussed the application.

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

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

- the requirements of the 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire'
- the applicant's application form
- verbal observations presented by the applicant and his representative during the hearing
- the Licensing Department's report along with the DBS statement that disclosed the convictions

Specific consideration was given to the following matters.

A series of convictions had been disclosed on the applicant's DBS which included offences of using an insurance document with the intention to defraud in March 2003 and failing to stop following an accident in September 2003 having driven without sufficient care and attention. The Sub-committee was of the opinion that these convictions equated to serious traffic crimes and were in accordance with paragraph 12.2 of the Council's policy. However, as these offences had occurred over 5 years ago, and having considered paragraph 12.4 of the policy, the Sub-committee was satisfied that these offences were not a reason for refusing the application.

Attention was drawn to the DBS record to his conviction of drinking and driving in 2004. Similarly, the offence was historical and in accordance with paragraph 11.1 of the policy, it was not a reason for refusing the application. Similarly, when discussing the offence of battery that occurred in 2007, the offence was historical and having considered paragraph 6.5 of the policy, it was not a reason for refusing the application.

The latest conviction was for an act of disruption (July 2008) appeared to the applicant's representative as one that had been listed under paragraph 6.4 of the policy and that 10 years needed to have elapsed since the most recent conviction. Nevertheless, the Solicitor highlighted that paragraph 6.5 was relevant to the conviction of causing disruption and therefore, in accordance with paragraph 6.5 and as more than three years had elapsed, the Sub-committee was satisfied that this record should not be a reason for refusing the application.

Having considered that the applicant had a hackney driving licence and a private driving licence with the Isle of Anglesey Council, that no convictions / warnings had been received for 9 years and that the applicant had attended training on Safeguarding Children and Vulnerable Adults, it was decided that the applicant was fit and proper to be issued with a hackney vehicle/private hire driver's licence from Gwynedd Council.

The Solicitor reported that the decision would be confirmed formally by letter sent to the applicant and the Licensing Unit would confirm the licence's arrangement.

6. APPLICATION FOR A HACKNEY/PRIVATE HIRE DRIVER'S LICENCE - Mr B

The Licensing Manager submitted the written report on the application received from Mr B for a new hackney/private hire driver's licence. The Sub-committee was asked to consider the application in accordance with the DBS record, and in accordance with the guidelines on relevant criminal offences and convictions.

The applicant's representative was invited to expand on his application and provide information about the background of the offences. He noted that he apologised for his behaviour in the past when he was young and that he realised that he had behaved foolishly. He was now the father of four children and was eager to see them follow the right path. He explained that the theft offence related to working with people betting on machines. He had developed a gambling habit and had stolen money in order to gamble. He confirmed that he had tried to seek support for his gambling problem and he had apologised to his former employer and returned the money.

The applicant and his representative withdrew from the room while the Sub-committee members discussed the application.

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

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

- the requirements of the 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire'
- the applicant's application form
- verbal observations presented by the applicant and his prospective employer during the hearing
- a positive reference that is strongly in favour of the applicant was submitted to the hearing
- the Licensing Department's report along with the DBS statement that disclosed the convictions

Specific consideration was given to the following matters.

A lengthy series of convictions had been disclosed on the applicant's DBS between 2001 and 2009 which included offences with elements of violence, of being drunk and disorderly and in 2002 for driving without insurance during a driving ban. The most recent conviction was for theft (January 2009) in connection with an offence that was committed in November 2008. In accordance with paragraph 16.1 of the Council's policy which related to re-offending, there would be a need, first of all, to ensure that the convictions satisfied the policy guidelines individually, but together, create a history of re-offending which showed a lack of respect towards the welfare of others and property. The policy stated that 10 years must elapse since the most recent conviction. The most recent conviction was eight and a half years ago and the Sub-committee felt that the offences were pertinent to their decision.

The Sub-committee appreciated that the applicant had been open and honest about his criminal record and the problems he had experienced in the past. They also acknowledged the genuine attempt made to improve his behaviour and lifestyle, and there was no evidence of any problems in the last eight and a half years. The Sub-committee was satisfied that the applicant could be issued with a licence, but as the history of offences was a serious matter it was resolved to approve the licence for a year only in the first instance.

In response to a question by the Public Protection Manager, the Sub-committee confirmed that they would be happy for the subsequent licence to be for the standard period of three years provided nothing had changed at that point.

Under the circumstances, the Sub-committee was satisfied that the above-mentioned reasons justified that the applicant was a fit and proper person to be issued with a hackney and private hire vehicle driving licence from Gwynedd Council.

The Solicitor reported that the decision would be confirmed formally by letter sent to the applicant and the Licensing Unit would confirm the licence's arrangement.

The meeting commenced at 1:00pm and concluded at 3:30pm.