
GENERAL LICENSING SUB-COMMITTEE 12.04.2019

Present: Councillor Elfed Williams (Chair), Councillors Dafydd Owen and Jason Wayne Parry

Officers: Geraint B Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager), 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 Chair welcomed everyone to the meeting. He highlighted that the decision would be made in accordance with Gwynedd Council'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 their use of licensed vehicles.

The Licensing Officer presented a written report on an 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 DBS record, and the guidelines on relevant criminal offences and convictions.

The applicant was invited to expand on his application and provide information about the background of the offences and his personal circumstances. He noted that the offences referred to one incident when he was young and foolish, and that he had received a

significant fine for his folly. He added that he worked as a driver for a local company, and that the company had offered him a job as a hackney / private hire driver should his application be approved.

The applicant withdrew from the room while 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 its decision, the Sub-committee considered the following:

- The requirements of the 'Gwynedd Council Licensing Policy for Hackney Carriages and Private Hire Vehicles'
- the applicant's application form
- verbal observations presented by the applicant during the hearing
- the Licensing Department's report along with the DBS statement and the applicant's driving licence report provided by the DVLA.

Specific consideration was given to the following matters:

The applicant received a conviction in November 2010 from Caernarfon Magistrates' Court for a series of offences. The applicant was charged with aggravated vehicle-taking, causing damage to property contrary to section 12A of the Theft Act 1968. He was fined £85, ordered to pay costs of £85 and £1,400 in compensation, and was banned from driving for 12 months. On one occasion he was charged with driving a vehicle without insurance contrary to section 143(2) of the Road Traffic Act 1988, when he received a fine of £85 and a driving licence endorsement. He was also charged with driving contrary driving licence conditions, contrary to the Road Traffic Act 1988 S87(i), when he received a fine of £15 and a further driving licence endorsement.

The applicant received 3 penalty points for breaking the statutory speed limit on a public road in June 2016.

Paragraph 2.2 of the Council's Policy was considered, in which it was 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 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 2.3 of the Policy confirmed that cautions were among the 'other matters for consideration'.

Paragraph 4.5 of the Council policy was considered, in which it was 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.

Consideration was given to paragraph 12.2 which listed serious traffic offences for the purposes of the Policy. Amongst the offences were IN10 (use of a vehicle uninsured against third party risks), LC20 (driving contrary to driving licence conditions) and UT50 (aggravated vehicle-taking). It was noted in paragraph 12.4 that an applicant with more than one major traffic offence within the last 5 years would normally be refused, and that no further application should be considered until a period of at least 3 years free from such convictions had elapsed.

Paragraphs 12.6 to 12.11 were considered, which discussed driving bans. It was noted in paragraph 12.10 that an application would normally be refused where the applicant had a conviction resulting in a period of disqualification of 12 months or more, unless a period of 18 months had elapsed from the end of the disqualification period.

Paragraph 13.1 was considered, in which 'minor traffic offences' were defined as offences that incurred between 1 and 3 penalty points. Paragraph 13.2 stated that one conviction for a minor driving offence or another matter to be considered was unlikely to lead to an application being refused.

The Sub-committee concluded that the November 2010 offences were major traffic offences. However, as these offences had occurred over 5 years ago, paragraph 12.4 was irrelevant and the sub-committee was therefore satisfied that they were not a reason for refusing the application. Given that one of the offences had led to a driving ban, it was highlighted that the licence had been restored in November 2011. Consequently, paragraph 12.10 was deemed irrelevant as a period of 18 months had elapsed. In addition, the speeding incident from 2016 was considered a minor traffic offence; and when considering paragraph 13.2 of the Policy, the Sub-committee was not of the opinion that this offence should create grounds to refuse the application.

Under the circumstances, the Sub-committee was satisfied that the applicant was a fit and proper person to hold a hackney vehicle/private hire driver's licence.

The Solicitor reported that the decision would be confirmed formally by a letter sent to the applicant and that the Licensing Unit would be in contact to confirm the licence documentation.

The meeting commenced at 10.00am and concluded at 10.30am