
GENERAL LICENSING SUB-COMMITTEE 23-01-23

Present:

Councillors: Councillor Annwen Hughes (Chair)
Councillors Edgar Owen and John Brynmor Hughes

Officers: Sion Huws (Senior Solicitor), Gwenan Mai Roberts (Licensing Manager)
and Lowri Haf Evans (Democracy Services Officer)

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. He 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:

- 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
- The safeguarding of vulnerable persons
- The public can be confident in using licensed vehicles.

The Licensing Officer presented a written report on an application received from Mr A for a hackney carriage/private hire driver's licence. The Sub-committee was asked to consider the application in accordance with the DBS record, the guidelines on relevant criminal offences and convictions, and the report of the DVLA.

The Licensing Authority recommended that the Sub-committee approved the application.

The applicant was invited to expand on the application and provide information about the background of the points on his licence and his personal circumstances.

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.

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

- The requirements of 'Cyngor Gwynedd's Licensing Policy for Hackney Carriages and Private Hire Vehicles'
- the applicant's application form
- the Licensing Department's report, together with the DBS statement and the DVLA's report
- the applicant's verbal representations

Specific consideration was given to the following matters:

Background

In September 2022, the applicant received six penalty points on his driving licence for Breach of Requirements in relation to vehicle control, mobile phone etc.

RELEVANT CLAUSES OF THE POLICY

Section 12 of the Policy relates to motoring convictions, and paragraph 12.3 states that an application will be refused if there is a conviction against the applicant and he/she has not been free of the conviction for at least six months.

Paragraph 13.3 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. It is possible that a licensed driver could be referred for the attention of the Licensing Sub-committee if there are more than two offences and/or a total of six points on a licence".

CONCLUSIONS

The Sub-committee considered the applicant's explanation of the circumstances that had led to the conviction, and the officers' recommendation to approve the application. Although the applicant had only lifted a telephone that had fallen, it was highlighted that using / holding a telephone while driving was a serious matter that was now illegal. However, the applicant's explanation of the specific circumstances of this incident was accepted.

The Sub-committee was pleased to note that the applicant accepted responsibility for the action and had honestly and openly admitted his mistake. The Sub-committee was also pleased to note that he had informed Anglesey Licensing Authority of the incident.

Given the circumstances of the crime, the Sub-committee was satisfied that there was nothing to suggest that the applicant would endanger customers when driving. Having carefully weighed all the factors, the Sub-committee was in favour of approving the application and it was determined that the applicant was a fit and proper person to hold a hackney and private hire vehicle driver's licence.

The Solicitor reported that the decision would be confirmed formally by letter to the applicant.

The meeting commenced at 2:00pm and concluded at 2:45pm