
GENERAL LICENSING SUB-COMMITTEE 23-11-2022

Present:

Councillors: Councillor Annwen Hughes (Chair)
Councillors Rheinallt Puw and Arwyn Herald Roberts

Officers: Siôn 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 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
- 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, the report of the DVLA as well as the applicant's personal statement which was part of his application form. It was reported that there were no convictions on the DBS report but a notice on the driving licence as a result of

receiving 7 points. 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 Gwynedd Council.

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

- The requirements of 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire Vehicles'
- the applicant's application form which included a personal statement
- 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 March 2020, the applicant received 3 penalty points for causing (or likely to cause) danger due to a load not roped on the back of a small lorry (CU50)

In July 2020, the applicant received 4 penalty points for breaking the statutory speed limit on a public road (SP30)

RELEVANT CLAUSES OF THE POLICY

Paragraph 2.2 of the Council's Policy was considered, which stated that a person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but he would be expected to have been free of any conviction for an appropriate period as stated in the Policy, and to show evidence that he was 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 stated that when an applicant had a conviction(s) or there were other related matter(s) to be considered in connection with that, the Council could not review the merits of the conviction or the other matter.

Paragraph 4.5 was considered which 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.

Section 13 of the Policy related to minor traffic offences and mainly referred to offences that were not listed in paragraph 12.2 of the Policy. Paragraph 13.3 was considered, which stated that more than one conviction for a minor driving offence or another matter to be considered could lead to an application being refused, especially if there were several convictions or other matters to be considered for the same offence e.g. speeding and / or if there were more than two convictions and / or a total of 6 points or more on the licence.

CONCLUSIONS

The Sub-committee determined that the 2020 incidents amounted to minor traffic offences. Paragraph 13.2 of the Policy was considered, and the Sub-committee was of the opinion that these offences should not be grounds to refuse the application. The applicant's full, honest explanation was received over both cases and it was decided, as there was no pattern to the convictions, or a suggestion that the situation was unsafe, that the application could be approved. There was no evidence of further offences and the Sub-committee, in accordance with the Policy, was satisfied that an appropriate period of time had passed since both events.

The Sub-committee determined in favour of approving the application and that the applicant was therefore 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