
GENERAL LICENSING SUB-COMMITTEE 20-03-24

Present:

Councillors: Elfed Williams (Chair), Gareth T Jones and Angela Russell

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

Others invited:

Item 5: Applicant - Miss A and her representative

Item 6: Applicant - Mr B

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 HACKNEY/PRIVATE HIRE DRIVER'S LICENCE - Miss 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 that:

- The person was a fit and proper person
- The person did not pose a threat to the public
- The public were safeguarded from dishonest persons
- Children and young people were protected
- Vulnerable persons were protected
- The public had confidence in using licensed vehicles

The Licensing Manager presented a written report on the application received by Miss A for a hackney/private hire vehicle driver's licence. The Sub-committee was requested to consider the application in accordance with the relevant convictions.

The Licensing Authority recommended that the Sub-committee should approve the application.

In response to a question for more information regarding the Safeguarding for Taxi Drivers Certificate, the Licensing Manager noted that it was a high-quality interactive training course which taught learners how to achieve their safeguarding duties, by identifying different types of abuse and/or exploitation and report on those concerns appropriately. She reiterated, for three years, that the Licensing Unit recommended that taxi drivers completed the training, and the intention for the future was to make it part of the Licensing Policy.

The applicant's representative was invited to expand on the application, providing information about the background of the offences and the applicant's personal circumstances. They noted that the applicant had been honest in her application and had explained why the community order was revoked. They reiterated that this was one incident and the applicant had pleaded guilty. Should the application be approved, they would be happy to employ her.

The applicant was invited to expand on her application, but she noted that she was happy with what her representative had presented.

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 report of the Licensing Department
- DBS Statement
- The applicant's application form
- Verbal observations by the applicant's representative

Specific consideration was given to the following matters

Background

In January 2020, the applicant was found guilty of assault causing actual bodily harm (ABH) contrary to the Offences Against the Person Act 1861.S.47.

In March 2022, the applicant was found guilty of not complying with the community order requirements, contrary to the Sentencing Act 2020 Schedule 10, which was revoked after that.

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 would be expected to have been free of any conviction for an appropriate period as stated in the Policy, and to show evidence that they were a fit and proper person to hold a licence. The applicant had a responsibility to prove that they were a fit and proper person. Paragraph 2.4 stated that when an applicant had a conviction(s) or there were other

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.

Paragraph 6.1 noted that, since licensed drivers came into close contact with the public regularly, the sub-committee would adopt a firm stance towards those who had violence-related offences.

Paragraph 6.5 of the Policy stated that an application for a licence would normally be refused if the applicant had a matter to be considered for common assault and/or criminal damage and/or an offence under the Public Order Act 1986 which happened less than three years before the date of application.

Paragraph 6.6 of the Policy stated that an application would normally be refused if an applicant had more than one conviction for an offence of a violent nature within the last ten years.

CONCLUSIONS

The Policy's provisions, the applicant's representative and prospective employer's explanation of the circumstances, and the Licensing Manager's recommendation were considered to approve the application.

Under the authority's policy, it was considered that enough time had elapsed since the last conviction to consider granting the licence.

The Sub-committee determined in favour of granting 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.

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

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 was a fit and proper person
- The person did not pose a threat to the public
- The public were safeguarded from dishonest persons
- Children and young people were protected
- Vulnerable persons were protected
- The public had confidence in using licensed vehicles

The Licensing Manager submitted the written report on the application received from Mr B to renew a hackney/private hire driver's licence. The Sub-committee was requested to consider the application in accordance with the relevant convictions.

The Licensing Authority recommended that the Sub-committee should approve the application. It was reiterated that the applicant had declared the speeding points in his application.

The applicant was invited to expand on his application and provide information about the background of the penalty points that he received for speeding. Whilst presenting his information, it became clear that the total penalty points in the report of the Driver and Vehicle Licensing Agency (DVLA) was not equivalent to what the applicant had presented to the Sub-committee, along with confusion regarding the TT99 record on the same report. (TT99 record highlighted a disqualification under 'totting-up' - if the total penalty points reached 12 or more within 3 years, the driver could be removed).

The applicant also disclosed in his presentation that he had been excluded from driving for a period of two years - information that had not been disclosed to the Licensing Unit in accordance with the taxi licence requirements.

RESOLVED to defer the decision in order to make further enquiries

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 report of the Licensing Department
- The report of the Driver and Vehicle Licensing Agency (DVLA)
- The applicant's application form
- Verbal observations by the applicant

Specific consideration was given to the following matters

Background

In January 2023, the applicant received 3 penalty points (SP30) for breaching the speed limit on a public road - these points would expire in January 2026.

In July 2023, the applicant received 4 penalty points (SP30) for breaching the speed limit on a public road - these points would expire in July 2026.

TT99 endorsement noted counting the points if the total penalty points reached 12 or more within 3 years and expired in April 2025.

CONCLUSIONS

The applicant's explanation of his circumstances and the discrepancies in his presentation, information from the Licensing Unit and the report of the Driver and Vehicle Licensing Agency (DVLA) were considered. Consequently, the Sub-committee determined in favour of deferring the application in order to make further enquiries into the applicant's application.

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

The meeting commenced at 2:30pm and concluded at 3:40pm