
GENERAL LICENSING SUB-COMMITTEE 04-9-24

Present:

Councillors: Elfed Williams (Chair), Annwen Hughes and Edgar Wyn Owen

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

Others invited:

Item 5: Applicant - Mr A

1. APOLOGIES

None to note.

2. DECLARATION OF PERSONAL INTEREST

None to note.

3. URGENT ITEMS

None to note.

4. EXCLUSION OF THE 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 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 using licensed vehicles.

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 requested to consider the application in accordance with the relevant convictions.

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

The applicant was invited to expand on the application and provide information about the background of the offences and his personal circumstances. He highlighted that the offences had occurred during one incident and during a challenging and vulnerable time in his life and he had not offended since. He added that he was now working full time in a responsible job, and this included working in situations of anti-social behaviour, and he volunteered in a local school.

In response to a question by one of the Members regarding his ability to control his temper when dealing with challenging customers, he noted that he had matured since his time in the army, and he could ignore any trigger to respond violently.

RESOLVED that the applicant was a fit and proper person to be issued with a 12-month hackney/private hire vehicle driver's licence from Cyngor Gwynedd.

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 report of the Licensing Department.
- DBS Statement.
- The report of the Driver and Vehicle Licensing Agency.
- The applicant's application form.
- Verbal observations by the applicant.

Specific consideration was given to the following matters:

Background

In October 2008, the applicant was found guilty of battery contrary, to the Criminal Justice Act 1988 (s.39) and Actual Bodily Harm, contrary to the Offences Against the Person Act 1861 (s.47).

There were no other convictions to consider.

RELEVANT CLAUSES OF THE POLICY

Paragraph 2.2 of the Council's Policy was considered, which states that a person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but they will be expected to have been free of any conviction for an appropriate period as stated in the Policy, and to show evidence that they are 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 matter(s) to be considered in connection with that, the Council could not review the merits of that 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 6.0 of the Policy addressed violent offences. Paragraph 6.1 stated that, since licensed drivers came into close contact regularly with the public, the sub-committee shall adopt a firm stance towards those who had offences involving violence.

Paragraph 6.2 notes that anyone found guilty of an offence relating to violence is unlikely to be granted a licence until they have been free from such a conviction for a minimum of three years. However, when considering the range of offences involving violence, consideration must be given to the nature of the offence.

CONCLUSIONS

The Policy's provisions, the applicant's explanation of his circumstances, and the Licensing Manager's recommendation were considered. The members were of the opinion that the conviction, satisfied the policy's criteria.

The Sub-committee considered the fact that 16 years had elapsed since the offences and that there was no evidence of any conviction or other relevant matter since then. The applicant's explanation was considered that the incident was totally contrary to his character and had taken place during a difficult period following his return having served in the armed forces. The applicant's explanation was accepted and that he had now been working as a site warden for a local company for seven years and had to deal with situations of anti-social behaviour as part of his daily duties. He highlighted that he was confident that he could deal with the types of difficult situations that may arise when driving a taxi.

The Sub-committee determined in favour of granting the application and 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 2:30pm