
GENERAL LICENSING SUB-COMMITTEE 08-10-25

Attendance:

Councillors: Gwynfor Owen (Chair), Annwen Hughes and Huw Rowlands

Officers: Nia Grisdale (Legal Service Manager), Gwenan Mai Roberts (Licensing Manager), Andrew Lloyd Parry (Trading Standards and Licensing Manager, and Lowri Haf Evans (Democracy Services Officer)

Others invited:

Councillor Gwilym Evans (Licensing Committee Member – observing)

Item 5: Applicant Mr A

Item 6: Applicant Mr B

Item 7: Applicant Mr C

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 RENEWAL OF HACKNEY / PRIVATE HIRE VEHICLE DRIVING LICENCE – Mr A

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 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 submitted the written report on the application received from Mr A to renew a hackney/private hire driver's licence. The Sub-committee was requested to consider the application relating to the individual's suitability to be a driver of a hackney/private hire vehicle.

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

The applicant was invited to elaborate on the application giving information about the background of the three occasions on which he received the penalty points, and his personal circumstances. He stated that he had not disclosed the penalty points on his application because he considered that only cases of drinking and driving and/or criminal behaviour had to be reported to the Licensing Unit. He accepted the seriousness of the situation, that if he lost his licence, he would lose his job.

It was RESOLVED that the applicant was not a fit and proper person to be issued with a hackney carriage/private hire 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'
- Individual Suitability Guidelines
- The report of the Licensing Department
- The applicant's application form
- The report of the Driver and Vehicle Licensing Agency
- Verbal observations by the applicant

Specific consideration was given to the following matters:

Background

In December 2022 the applicant received 3 penalty points for exceeding the statutory speed limit on a public road.

In November 2023 the applicant received 3 penalty points for exceeding the statutory speed limit on a public road.

In June 2024 the applicant received 3 penalty points for exceeding the statutory speed limit on a public road.

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 would normally be expected to remain free of any conviction for an appropriate period as stated in the Policy, and to show evidence that the individual is a fit and proper person to hold a licence. The applicant has a responsibility to show that he/she is a fit and proper person. Paragraph 2.4 states that when an applicant has a conviction(s) or there are other associated matter(s) to be considered, the Council cannot review the merits of that conviction or other matter.

Paragraph 4.5 was considered which states that the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 allows the Sub-committee to take into account all convictions recorded against an applicant, whether spent or not, under the 1974 Act.

Section 13 relates to minor traffic offences and mainly refers to offences that are not listed in paragraph 12.2 of the Policy. Paragraph 13.1 defines a 'minor traffic offence' as an offence that incurs between 1 and 3 penalty points. Paragraph 13.3 was considered, which 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. A licensed driver may be referred to the Licensing Committee where there are more than two offences and/or a total of 6 points on their licence.

CONCLUSIONS

The Sub-Committee accepted that the applicant had three speeding offences within just over a year and a half of each other and an explanation was obtained about each of the speeding incidents and their locations. It was also accepted that he regretted it, that he had learned a lesson and that he was now driving within speed limits.

In accordance with the Policy, more than one conviction for a minor traffic offence, particularly if there was a pattern to the behaviour, could result in the refusal of a licence. After carefully weighing up all the factors, acknowledging that the applicant had shown remorse for the offences, the sub-committee's decision was that three instances of speeding showed a pattern and therefore they were not convinced that it met the expected standards of a taxi driver.

The Sub-Committee decided to refuse the application.

The Solicitor reported that the decision would be confirmed formally by letter to the applicant highlighting his right to appeal the decision.

6. APPLICATION FOR RENEWAL OF HACKNEY VEHICLE DRIVING LICENCE / PRIVATE HIRE – 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 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
- That the public can be confident in the use of 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 relating to the individual's suitability to be a driver of a hackney/private hire vehicle.

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

The applicant was invited to elaborate on the application giving information about the background of the penalty points, and his personal circumstances. He stated that he did not use his phone to receive a call or send a message, and that he had set the phone to charge while sitting in traffic on the way home from work. He pointed out that he was driving his own car at the time and had no customers in the car. He added that he enjoyed his work as a taxi driver.

In response to a question as to why he had not included details of the offence on his application form, he stated that he lacked confidence in completing paperwork and that this was a mistake and not an attempt to hide the truth. He added that, over twenty years, he had received one speeding penalty.

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'
- Individual Suitability Guidelines
- The report of the Licensing Department
- The applicant's application form
- The report of the Driver and Vehicle Licensing Agency
- Verbal observations by the applicant

Specific consideration was given to the following issue.

Background

In April 2025, the applicant received 6 penalty points and a fine of £200 for breaching a requirement in relation to the control of a vehicle and the use of a mobile phone in contravention of Section 41D of the Road Traffic Act 1988.

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 would normally be expected to remain free of any conviction for an appropriate period as stated in the Policy, and to show evidence that the individual is a fit and proper person to hold a licence. The applicant has a responsibility to show that he/she is a fit and proper person. Paragraph 2.4 states that when an applicant has a conviction(s) or there are other associated matter(s) to be considered, the Council cannot review the merits of that conviction or other matter.

Paragraph 4.5 was considered which states that the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 allows the Sub-committee to take into account all convictions recorded against an applicant, whether spent or not, under the 1974 Act.

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.

CONCLUSIONS

The Sub-Committee weighed up all relevant factors taking into account the applicant's comments over the receipt of six penalty points for using a mobile phone while driving as outlined above. The Sub-committee accepted that he had been unfortunate to be caught

trying to charge his mobile phone instead rather than receiving or making a call while stationary in traffic. The Sub-Committee considered that this happened while he was driving his own car and not while undertaking taxi services. It was also pointed out that just over six months had elapsed since the crime.

The Sub-Committee decided to approve the application.

The Solicitor reported that the decision would be formally confirmed by letter to the applicant highlighting his right to appeal the decision.

7. APPLICATION FOR RENEWAL OF HACKNEY / PRIVATE HIRE VEHICLE DRIVING LICENCE – Mr C

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 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
- That the public can be confident in the use of licensed vehicles

The Licensing Manager submitted a written report on an application received from Mr C for a hackney/private hire vehicle driving licence. The Sub-Committee was asked to consider the application in accordance with what relates to an individual's suitability to be a private hackney/hire vehicle driver.

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

The applicant was invited to elaborate on his application and personal circumstances. He was also asked to explain why he was arrested which then led to the revocation of his taxi driver's licence in January 2025.

In response to a question as to why he had not appealed Flintshire County Council's decision to revoke his licence given that there was 'no further action' due to 'evidential problems' after his arrest, he stated that he was suffering stress as a result of the incident and had no desire to return to the post and face Council officers. By now, he indicated that he needed a job and that he was considering a move to another area.

In response to a question as to why necessary information was not disclosed on his application form, he stated that he had no reason to do so apart from the fact that he was uncomfortable and was worried that it would mean he couldn't gain future employment. He added that he had not received a conviction and was not guilty of a crime.

It was RESOLVED that the applicant was not a fit and proper person to be issued with a hackney carriage/private hire 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'
- Individual Suitability Guidelines
- The Report of the Licensing Department

- The applicant's application form
- The Applicant's DBS
- Copy of the applicant's driving licence
- The report of the Driver and Vehicle Licensing Agency
- Flintshire County Council's statement
- Cheshire Police's Statement
- Verbal observations by the applicant

Specific consideration was given to the following matters:

Background

In January 2025 the applicant was arrested for sexual assault, in contravention of section 3 of the Sexual Offences Act 2003. In the same month his licence was revoked by the relevant Authority as they were not satisfied on the basis of probability that he remained a fit and proper person to hold a licence.

In April 2025 an application was submitted to Cyngor Gwynedd for a taxi/private hire licence, but the applicant did not disclose that he had previously held a licence with another Local Authority or that that Authority had revoked the licence.

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 would normally be expected to remain free of any conviction for an appropriate period as stated in the Policy, and to show evidence that the individual is 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 states that when an applicant has a conviction(s) or there are other associated matter(s) to be considered, the Council cannot review the merits of that conviction or other matter.

Paragraph 4.5 was considered which states that the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 allows the Sub-committee to take into account all convictions recorded against an applicant, whether spent or not, under the 1974 Act.

Consideration was given to clause 3.29 of the Institute of Licensing Document which states that wider factors than the information contained in a DBS certificate and other tests must be considered, and that it is necessary to consider the character of an individual in its entirety.

CONCLUSIONS

The Sub-Committee weighed up all relevant factors taking into account the applicant's comments over his arrest for a crime, under the Sexual Offences Act 2003, following an incident while he was a taxi driver. He stated that he had picked up a person who was drunk and vulnerable, and while trying to ask her to pay for being sick in the car, this led to allegations against him. Confirmation was received from the Police that the case had been closed due to evidential difficulties and that no further information had been received.

In considering the applicant's comments for not stating that he had held a licence with another Authority and had not challenged the officers' decision for the revocation of that licence, the Sub-Committee was concerned about the reasons put forward, stating that honesty was an essential characteristic of a taxi driver's suitability.

The Sub-Committee considered that the allegations made were extremely serious. Consideration was given to the applicant's expected responsibilities on that evening when driving a vulnerable person in a taxi – public protection was one of the main features to consider when assessing an applicant's suitability to hold a taxi driving licence.

On the basis of probability, the Sub-committee was not satisfied that they could be confident that the applicant met the standards of a taxi driver. As per the Institute of Licensing Document the Sub-Committee must satisfy themselves that the applicant has shown themselves to be a responsible, fit and proper person to hold a licence.

The Sub-Committee decided to refuse the application.

The Solicitor reported that the decision would be formally confirmed by letter to the applicant highlighting his right to appeal the decision.

The meeting started at 14:00 and ended at 16:00