
GENERAL LICENSING SUB-COMMITTEE 14-07-23

Present:

Councillors: Councillor Elfed Williams (Chair)
Councillors Huw Rowlands and Gareth Jones

Officers: Siôn Huws (Senior Solicitor), Gwenan Mai Roberts (Licensing Manager),
Lyndsey Thomas (Licensing Officer) 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 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
- 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 requested to

consider the application in accordance with the DBS record, the guidelines on criminal offences and relevant convictions.

The Licensing Authority recommended that the Sub-committee should approve the application. The applicant had a clean driver's licence.

The applicant was invited to expand on the application and provide information about the background of the offences and his personal circumstances. He noted that the offences had occurred following graduation from Bangor University and being invited to join a new company on the High Street. He was not aware of the maladministration and he did not include the convictions on his application form as he considered these to be the company's convictions and not personal convictions. He added that he had by now received UK citizenship and he highlighted that his application for citizenship had been very thorough about his character.

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 along with the DBS statement
- the applicant's verbal representations

Specific consideration was given to the following matters

Background

In April 2013, the applicant was found guilty of the offence of concealing, unable to commit to the duty placed under the Companies Act 2006 (S.1006. S1006(7)). He received a fine of £250 and costs of £2200 and a victim's surcharge of £15 in a Juvenile Court in Gwynedd.

In November 2013, the applicant was found guilty of the offence of concealing, unable to commit to the duty placed under the Companies Act 2006 (S.1006. S1006(7)). He received a fine of £250 in a Juvenile Court in Gwynedd.

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 he will be expected to have been free of any conviction for an appropriate period as stated in the Policy, and to show evidence that he 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 related matter(s) to be considered in connection with that, the Council cannot review the merits of the conviction or the 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 otherwise, under the 1974 Act.

The Policy did not consider the specific convictions that related to the applicant, however, the applicant was found guilty in a Juvenile Court in 2013. No convictions had been recorded since then.

CONCLUSIONS

The Sub-committee considered the applicant's explanation of the circumstances that had led to the 2013 convictions, and the officers' recommendation to approve the application.

The Sub-committee concluded that the convictions in April and November 2013 were criminal offences, however, a period of 10 years had elapsed since the applicant was convicted; which had enabled the applicant to prove to the Licensing Authority that lessons have been learnt since his offences, that his behaviour had changed, and that he had highlighted his ability and suitability to hold a taxi driver's licence.

Having considered the nature of the offences, the sentence given and the fact that there was no further history of offending, there were no compelling reasons for not following the authority's policy and to approve the application in this case.

The Sub-committee determined 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 11:40am and concluded at 12:05pm.