
GENERAL LICENSING SUB-COMMITTEE 13-11-24

Attendance:

Councillors: Elfed Williams (Chair), Angela Russell and

Officers: Nia Grisdale (Legal Service Manager), Gwenan Mai Roberts (Licensing Manager), Tomos Wyn Jones (Public Protection Enforcement Officer) and Lowri Haf Evans (Democracy Services Officer)

Others invited: Item 5:

Applicant - Mr A
Representative / The applicant's daughter

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
- 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 had recommended that the Sub-committee should refuse the application. It was noted that only seven weeks had passed since the serious road traffic offence ban came to an end, and it was therefore difficult to evidence whether the applicant had learnt his lesson or not. It was reiterated that the applicant had not informed the licensing unit about the crime at the time and the Licensing Authority had also received recent evidence that the applicant had tried to use his vehicle without a valid taxi licence.

The applicant was invited to expand on the application and provide information about the background of the conviction and his personal circumstances. He highlighted that he had a clean driving licence for 20 years and that this was his first accident. He reiterated that his family depended on the income of his taxi company and that the situation was vulnerable for his family. He noted that he was a safe driver and was responsible for driving children to school. He pleaded for a second chance.

In response to a question as to why he had not informed the licensing authority about the accident, he noted that he had tried to contact the unit, but had not received an answer.

In response to a question regarding the seriousness of the accident, the Licensing Manager noted that the accident had been before the Court and the applicant had received a sentence and punishment. She reiterated that the purpose of the hearing was to decide whether the applicant was fit and proper to receive a hackney/private hire driver's licence.

RESOLVED that the applicant was not a fit and proper person to be issued with a 12-month hackney vehicle/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'
- The report of the Licensing Department
- DBS Statement
- The report of the Driver and Vehicle Licensing Agency
- Traffic Police Officer Witness Statement
- Driver Licence Revocation Details
- Verbal observations by the applicant's representative

Specific consideration was given to the following matters

Background

In August 2023, the applicant was found guilty of causing serious harm by driving carelessly / inconsiderately, contrary to the Road Traffic 1988 Act S.2C. He received a Community Order, costs of £85, a ban from driving (compulsory for 12 months from 31 August 2023), unpaid work requirement, rehabilitation activity requirement and a Victim Surcharge of £114.

In October 2023, the applicant's hackney/private hire driver's licence was revoked by the Public Protection Enforcement Officer, Cyngor Gwynedd, to safeguard the public, in accordance with the provision of Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

The applicant failed to inform the Licensing Department of the crime and the conviction in accordance with taxi licence conditions.

In October 2024, the applicant admitted to a Traffic Police Officer that he was driving a taxi without a licence. He received advice from the Officer to stop working as a taxi driver whilst his licence was being reviewed.

There were no other convictions to consider.

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 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 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 consider all convictions recorded against an applicant, whether spent or otherwise under the 1974 Act.

Section 12 of the Policy related to motoring convictions, and paragraph 12.2 listed serious traffic offences for the purposes of the Policy. It was noted that an application would normally be refused (12.10) where the applicant had a conviction resulting in a period of disqualification of 12 months or more, unless a period of 18 months had elapsed from the end of the disqualification period.

CONCLUSIONS

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

The Sub-committee was of the opinion that section 12.10 of the Policy was relevant to the application as the applicant had a recent conviction which led to a period of suspension of 12 months or longer. There was no argument about the conviction, even though representations regarding the seriousness of the accident had been presented by the applicant. However, the Sub-committee was not satisfied that enough time had passed since the suspension came to an end to address the Policy's provisions and they did not consider that there were any exceptional circumstances that would justify deviating from the Policy.

The sub-committee had also considered the applicant's failure to inform the licensing unit of the crime and conviction (for a period of 12 months) and serious concerns were expressed that the applicant had been caught and admitted to driving a vehicle and attempting to hire, without a valid taxi licence, as recently as October 2024.

Having weighed-up all the factors, the sub-committee concluded that the applicant was currently not a fit and proper person to hold a hackney and private driver's licence.

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

The meeting commenced at 3:00pm and concluded at 3:30pm.