
GENERAL LICENSING SUB-COMMITTEE 21-03-25

Attendance:

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

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

Others invited:

Item 5: Applicant Mr A

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 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
- That the public can be confident when 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 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 had held a private hackney/hire vehicle driver's licence since 2008 and when he received the licence he was advised to immediately report incidents of drinking and driving and/or criminal behaviour to the Licensing Unit, but no mention of reporting driving points. He added that the points were recent due to changes in speed limits in the areas he travelled with his work. He accepted the gravity of the situation, and that if he lost his licence he would lose his employment.

RESOLVED that the applicant was a fit and proper person to be issued with a hackney/private hire vehicle driver's licence from 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
- DBS Statement
- The report of the Driver and Vehicle Licensing Agency
- Verbal comments by the applicant together with written evidence and information

Specific consideration was given to the following matters:

Background

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

Two days later, at the same location, the applicant received a 3-point penalty for breaching a statutory speed limit on a public road.

In October 2024 the applicant received a 3-point penalty for breaching a statutory speed limit on a public road.

RELEVANT CLAUSES OF THE POLICY

Paragraph 2.2 of the Council's Policy was considered, stating 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 take into account all convictions recorded against an applicant, whether spent or otherwise, under the 1974 Act.

Part 13 related to minor traffic offences and referred mainly to offences which were not listed in paragraph 12.2 of the Policy with paragraph 13.1 defining a 'minor traffic offence' as an offence which receives between 1 and 3 penalty points. Paragraph 13.3 stated 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 Sub-committee where there are more than two offences and/or a total of six points on a licence.

CONCLUSIONS

The Sub-Committee accepted that the applicant had two offences of speeding within two days of each other and a further third offence which occurred in 2024. The locations of the offences were clarified; the first two had taken place in the vicinity of Flint and within a few days because the applicant believed that the speed limit was 40 mph and that his speed was between 30 and 40. In the context of the third offence it was explained that it took place in a 20 mph speed limit area and that his speed was approximately 26 mph. The honest comments made by the applicant were considered and it was accepted that he fully understood the gravity of the situation and acknowledged that another conviction would mean the loss of the taxi licence and driving licence. The sub-committee also noted that the applicant had held a taxi licence since 2008 and there had been no previous problems. The importance of reporting any incidents to the Licensing Unit was highlighted.

The Sub-Committee decided in favour of approving 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 when using licensed vehicles

The Licensing Manager submitted the written report on the application received from Mr B for 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 as three years had not elapsed since the end of the driving ban.

The applicant was invited to elaborate on the application giving information about the background of the penalty points and his personal circumstances. He noted that the covid period had been a difficult time for him and the incident continued to affect him. He added that he had received a notice stating a reduction in his daily working hours and as a result, he had to consider additional income to support his family.

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
- DBS Statement
- The report of the Driver and Vehicle Licensing Agency
- Witness Statement
- Verbal comments by the applicant together with written evidence and information

Particular consideration was given to the following issue

Background

In February 2021, the applicant received a conviction under the Road Traffic Act 1988 for driving under the influence of drugs. He was banned from driving for 12 months effective from August 3, 2021.

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

Consideration was given to paragraph 11.0 which addressed driving offences. In paragraph 11.1, it was noted that a serious view would be taken of convictions for driving or being in charge of a vehicle under the influence of alcohol / drugs. Anyone who had been found guilty of offences relating to drink-driving was unlikely to receive a licence until they had been free from a conviction / convictions for at least three years.

CONCLUSIONS

The Sub-Committee weighed up all relevant factors, carefully considering the applicant's comments and accepting his honest statement regarding the situation surrounding the

conviction and the fact that the covid period had been a difficult time for him. The sub-committee considered that in five months the applicant would be able to submit an application which would have been approved by officers in accordance with the policy. It was also recognised that this was an application for a one-year licence and if he applied for renewal, he would, due to the details on the DBS, be called before the sub-committee again.

Having carefully weighed-up all the factors, it was concluded that the applicant was a fit and proper person to hold a licence.

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

The meeting started at 10:00 and ended at 11:15