
GENERAL LICENSING SUB-COMMITTEE 07-02-25

Attendance:

Councillors: Elfed Williams (Chair), Gwynfor Owen and Huw Rowlands

Officers: Sion Huws (Propriety and Elections Manager), Gwenan Mai Roberts (Licensing Manager), and Lowri Haf Evans (Democracy Services Officer)

Others invited:

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 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 because the applicant's conduct in a recent incident did not meet the standard expected of a taxi driver.

A CCTV video was shown which evidenced the incident along with a history of reoffending in relation to the 2010, 2018 and 2024 public order convictions.

In response to a question regarding a licence renewal application, it was noted that a hackney / private hire vehicle driver's licence was current for three years – this was the standard period. It was highlighted that the applicant's licence had expired in December 2024 and he did not disclose the allegations against him on his application form – all applicants had a duty to report any allegations against them to the Licensing Authority. It was reiterated, occasionally, that the Police informed the Licensing Authority but this time it was a member of the public who had complained to the Police before bringing an official case against the applicant. After the applicant had been before the Court, he submitted the information along with a signed statement while awaiting a DBS.

The applicant was invited to expand on the application and provide information about the background of the incident and his personal circumstances. He noted that he had not fully completed his application form as he was awaiting the verdict of the charge against him. In the context of the December 2024 incident, he confessed that he had responded to the victim's threat, but the victim had threatened him first. He also revealed that he did not know the victim and had disclosed the incident to the Licensing Department, the following morning. He reiterated that he had been a bus driver for more than 30 years without any complaints and that the job as a taxi driver meant so much to him.

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
- DBS Statement
- Disclosure of Convictions and Statement signed on 21/11/24
- Certificate of Conviction from Caernarfon Magistrates Court
- Information Assurance from North Wales Police
- Witness Statement
- Applicant's Hearing Report and Records November 2021
- Closed Circuit Television (CCTV) Evidence
- Verbal comments by the applicant together with written evidence and information

Specific consideration was given to the following matters

Background

In December 2024, the applicant was found guilty of using threatening, aggressive and insulting words that were likely to alarm, intimidate or distress contrary to the Public Order

Act 1986. He was ordered to pay £50 compensation with a fine of £400. The Police did not present evidence on the charge of Assault by battery, therefore, the charge was dropped.

In November 2018, the applicant was found guilty of using threatening, aggressive and insulting words that were likely to alarm, intimidate or distress contrary to the Public Order Act 1986. He received a penalty of £100 and ordered to pay £85 costs.

In October 2010, the applicant was found guilty of using threatening, aggressive or insulting language, with the intention of causing distress or harassment contrary to the Public Order Act 1986.

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 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 6.5 of the Policy stated that an application for a licence would normally be refused if the applicant had a matter to be considered for common assault and/or criminal damage and/or an offence under the Public Order Act 1986 which happened less than three years before the date of application.

Paragraph 16.1 of the Policy deals with repeat offences. Firstly, it must be ensured that the convictions satisfy the policy guidelines individually, but that they together create a history of repeat offending that indicates a lack of respect for the welfare and property of others. The Policy states that ten years must have elapsed since the most recent conviction.

CONCLUSIONS

The Sub-Committee concluded that the convictions were violence-related offences.

In 2021, the Sub-Committee resolved to approve the applicant's application after they had considered his evidence although the policy stated that an application should be rejected if a period of 10 years had not elapsed since the last conviction. In December 2024, it was seen again that it was less than 3 years since the latest offence (November 2021) and, therefore, a starting point for the considerations would be to refuse the application. Consideration was also given to a pattern of re-offending, which involved the same type of behaviour with two offences within the 10-year period.

The Sub-Committee also considered the circumstances in this particular case and accepted that the applicant's comments about the incidents in question were an honest statement of what had happened on the Maes in Caernarfon. It was also accepted that, based on the evidence submitted, the victim had come over to the applicant after seeing that he was parked on the Maes and, therefore, from what the Sub-Committee had seen from Closed Circuit Television (CCTV) evidence of the Maes, it was the victim who had started the confrontation on the night.

However, the applicant disagreed with others' interpretation of his conduct in relation to the second incident, with the victim later on the same night denying punching the victim through a car window. It was not the role of the sub-committee to reach a finding of fact whether or not that incident amounted to an offence as the applicant had been charged with assault by battery and the Police had not presented evidence in relation to that charge. Nevertheless, CCTV evidence clearly showed that some time after the first incident, that the applicant by stopping his car in front of the victim's car in order to force him to stop, had got out of the car and threatened the victim. The sub-committee concluded that regardless of what had occurred between the applicant and the victim that this second incident had begun with the applicant's actions and that his conduct was unacceptable and far from the expected standard of a licensed driver.

It was made clear that the Authority had a duty to protect the public and as part of that the risk of repeat offending must be assessed. In light of the latest incident (the December 2024 conviction), the Sub-Committee agreed with the Licensing Unit that the applicant had received another conviction for the same type of offence and that was proof that there had been no improvement in his conduct since the November 2021 hearing. It was highlighted that this pattern was one of aggression and intimidation with evidence of a further incident in 2010. The Sub-Committee was therefore not confident that similar behaviour would not be seen again.

The Sub-Committee also considered the provisions of Suitability Guidelines, which set out the need to consider the character of a driver as a whole including the attitude and temperament of the individual concerned. It was reiterated that the Guidelines emphasised that drivers needed to demonstrate appropriate professional conduct at all times. In this case, the relevance of paragraph 4.15 was considered as it stated that unacceptable offences or conduct that occurred while driving a hackney or private hire vehicle were constituted as a breach.

In addition, the sub-committee was disappointed with the applicant's accusations towards the officers of the Licensing authority. Again, this was not the conduct expected of licensed drivers.

The sub-committee concluded that the convictions were in themselves sufficient reason to reject the application under Council Policy, but having considered all the evidence submitted, no reason was found why the provisions of the Policy should not be followed in this case. The Sub-Committee resolved to refuse the application and deemed that the applicant was not a fit and proper person to renew their hackney and private hire vehicle driver's licence with Cyngor Gwynedd.

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 concluded at 11:55.