

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held in the Council Chamber, County Hall, Ruthin and by video conference on Wednesday, 4 December 2024 at 9.30 am.

PRESENT

Councillors Joan Butterfield, Ellie Chard, Gwyneth Ellis, Bobby Feeley (Chair), Hugh Irving (Vice-Chair), Alan James, Brian Jones, Delyth Jones, Paul Keddie and Andrea Tomlin

ALSO PRESENT

Legal Advisor (LB), Public Protection, Regeneration and Economic Development Manager (GR), Enforcement Officers – Licensing (NS & KB), and Committee Administrators (KEJ & NPH [Webcaster])

1 APOLOGIES

There were no apologies.

2 DECLARATION OF INTERESTS

No declaration of interest had been raised.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES OF THE LAST MEETING

The minutes of the Licensing Committee held on 11 September 2024 were submitted.

***RESOLVED** that the minutes of the meeting held on 11 September 2024 be received and confirmed as a correct record.*

5 LICENSING COMMITTEE FORWARD WORK PROGRAMME 2025

The Public Protection, Regeneration and Economic Development Manager (PPREDM) presented the Committee's forward work programme for consideration.

The forward work programme reflected the priorities of the Licensing Committee, relevant policies and review dates together with any legislative changes. Members' attention was drawn to the standing item for each meeting on Special Procedures which followed the introduction of the new mandatory special procedures licensing scheme which came into force on 29 November 2024. Whilst initial training had been provided to members in that regard, further training would be provided in the near future prior to any special procedure items being submitted to the Committee.

The PPREDM responded to members questions confirming that Special Procedures covered procedures such as tattooing and body piercing and required the licensing of both premises and practitioners. In terms of resources there was an initial administrative burden to transfer existing registered practitioners to the new scheme, but they had already been subject to inspection and there was resource available to continue that work going forward as business as usual. It was also clarified that most functions under the new legislation had been delegated to officers and it was only in specific cases, such as potential licence refusals or revocations, that the matter would be brought before the Committee to determine.

The Chair reminded members that licensing training in relation to committees, taxi licensing and the Licensing Act 2003 had been arranged for that afternoon.

RESOLVED that the forward work programme be received and approved.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following items of business on the grounds that it would involve the likely disclosure of exempt information as defined in paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act.

6 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 578447

A confidential report by the Head of Planning, Public Protection and Countryside Services (previously circulated) was submitted upon –

- (i) an application having been received from Applicant No. 578447 for a licence to drive hackney carriage and private hire vehicles;
- (ii) officers having referred the application to the Licensing Committee for determination given the particular circumstances of the case;
- (iii) the Applicant having obtained a conviction in October 2019 for common assault and having failed to declare a minor motoring offence on his application (there being no penalty points on his DVLA driving licence);
- (iv) background information and associated documentation having been provided relating to the case including details of the conviction obtained and the Applicant's explanation of events, supporting personal statement and character reference from his current employer;
- (v) the Council's policy with regard to the relevance of convictions and suitability of applicants and licensees, and
- (vi) the Applicant having been invited to attend the meeting in support of the application and to answer members' questions thereon.

The Applicant was in attendance in support of his application.

The Licensing Enforcement Officer (NS) submitted the report and facts of the case.

Members were also advised of the requirement for the Applicant to submit an updated Disclosure and Barring Service (DBS) Certificate (given the original document was over three months old) which was expected imminently. The Applicant had given assurances that there were no changes to the DBS Certificate.

The Applicant explained the circumstances surrounding the conviction, with no violence or intent, and expressed his remorse over the incident. He submitted that he was a family man and not of a violent nature.

Clarification was sought on the policy links to offences involving violence in this case and the Licensing Enforcement Officer explained the legal definition and sliding scale with common assault at the lowest level with no injuries sustained in this particular case. The Council's policy provided a general summary of such offences and work was being carried out nationally in order to reflect the precise nature of such offences in future policy going forward. In response to questions the Applicant explained how the offence was disposed of by the courts and advised he had no further convictions either before or since the offence. He confirmed his current occupation which also involved driving together with the motivation behind his application and future intentions for employment. An explanation was provided regarding the minor motoring offence and his failure to disclose it on the application.

In terms of a final statement the Applicant confirmed he had nothing further to add.

The Committee adjourned to consider the application and it was –

RESOLVED that Applicant No. 578447 was a fit and proper person to hold a Hackney Carriage and Private Hire Vehicle Driver's Licence and that the application be granted subject to the local authority being in receipt of an up-to-date satisfactory DBS Certificate.

[Councillor Paul Keddie did not vote on the matter as he had not been present for the duration of the item.]

The reasons for the Licensing Committee's decision were as follows –

Members had carefully considered the evidence before them in reaching their decision.

The Committee considered that the Applicant had been convicted of a violence related offence and this conviction itself was given significant weight given that the overriding aim of a licensing authority when carrying out its functions relating to the licensing of drivers was protection of the public. It also found this a serious matter pursuant to their policy guidance concerning violence related offences.

Members considered the policy guidance which stated that a licence must not be granted until 10 years after completion of a sentence for a violence related offence. However, members decided to depart from guidance on this aspect given that it was

the lowest level of common assault, had been a long amount of time since the conviction and sentence, and the Applicant had explained the circumstances surrounding the offence to members satisfaction. Members were also encouraged that the Applicant had not committed any other offences either before or since. Therefore, the Applicant was considered unlikely to offend in such a manner again and members attached weight to these factors in determining that the Applicant was a fit and proper person to hold a Hackney Carriage and Private Hire Vehicle Driver's Licence. With this in mind, members decided to grant the application subject to no further convictions being disclosed on the updated DBS Certificate. In the event the updated DBS Certificate showed any further convictions, the matter would be brought back before the Committee for further review.

The Committee also expressed concern about the Applicant's failure to disclose the minor motoring offence but accepted the explanation provided by the Licensing Enforcement Officer and the Applicant in relation to the non-disclosure.

Overall, the Committee considered that the Applicant's character and all the circumstances in their entirety were enough to outweigh their concerns in reaching the decision that the Applicant was a fit and proper person to hold a Hackney Carriage and Private Hire Vehicle Driver's Licence.

The Committee's decision and reasons therefore were conveyed to the Applicant.

The meeting concluded at 10.20 am.