



**Gwasanaeth Democritaidd**  
**Democratic Service**  
Swyddfa'r Cyngor  
CAERNARFON  
Gwynedd  
LL55 1SH

Cyfarfod / Meeting

**PWYLLGOR TRWYDDEDU CYFFREDINOL**  
**GENERAL LICENSING COMMITTEE**

Dyddiad ac Amser / Date and Time

**10.00am DYDD LLUN, 24 MEHEFIN 2013**

**10.00am MONDAY, 24 JUNE 2013**

Lleoliad / Location

**SIAMBR DAFYDD ORWIG,**  
**SWYDDFEYDD Y CYNGOR,**  
**CAERNARFON**

Pwynt Cyswllt / Contact Point

**GWYN PARRY WILLIAMS**

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Dosbarthwyd/Distributed 14.06.13

**PWYLLGOR TRWYDDEDU CYFFREDINOL**

**GENERAL LICENSING COMMITTEE**

**Aelodaeth/Membership (15)**

**Plaid Cymru (7)**

Y Cynghorwyr/Councillors

Eddie Dogan      Huw Edwards

Annwen Hughes      Chris Hughes

W. Tudor Owen      Ann Williams

Gethin G. Williams

**Annibynnol/Independent (4)**

Y Cynghorwyr/Councillors

Eryl Jones-Williams      Christopher O'Neal

Angela Russell      Elfed Williams

**Llais Gwynedd (4)**

Y Cynghorwyr/Councillors

John Brynmor Hughes      Llywarch Bowen Jones

Peter Read      Gruffydd Williams

**Aelod Ex-officio/Ex-officio Member**

Is-Gadeirydd y Cyngor/Vice-Chairman of the Council

# AGENDA

## 1. CHAIRMAN

To elect a Chairman for 2013/14

## 2. VICE-CHAIRMAN

To elect a Vice-chairman for 2013/14

## 3. APOLOGIES

To receive any apologies for absence.

## 4. DECLARATION OF PERSONAL CONNECTION

To receive any declaration of personal interest.

## 5. URGENT ITEMS

To note any items that are a matter of urgency in the view of the Chairman for consideration.

## 6. MINUTES

The Chairman shall propose that the minutes of the meeting of this Committee, held on 17 September 2012, be signed as a true record.

(copy herewith – **white** enclosure)

## 7. GENERAL LICENSING SUB-COMMITTEE MINUTES

To submit, for information, minutes of the General Licensing Sub-committee meetings held on the following dates –

- a) 18 October 2012
- b) 10 December 2012
- c) 4 March 2013
- d) 22 April 2013

(copy herewith – **green** enclosure)

## 8. PROPOSED HACKNEY CARRIAGE, PRIVATE HIRE AND OPERATORS LICENCE FEES

To submit the report of the Head of Regulatory Department

(copy herewith – **gold** paper)

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## GENERAL LICENSING COMMITTEE, 17.09.12

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**Present:** Councillor W.Tudor Owen (Chairman)

Councillors: Eddie Dogan, Annwen Hughes, Chris Hughes, John Brynmor Hughes, Llywarch Bowen Jones, Eryl Jones-Williams, Christopher O'Neal, Peter Read, Angela Russell, Ann Williams, Elfed W. Williams, Gethin G. Williams, Gruffydd Williams

**Also Present:** Siôn Huws (Compliance and Language Manager), Gwenan M. Williams (Licensing Manager), Sheryl Le Bon Jones (Operational Systems Manager) and Gwyn Parry Williams (Members Support and Scrutiny Officer)

**Apologies:** Councillor Huw Edwards

### 1. DECLARATION OF PERSONAL INTEREST

Councillor Eryl Jones-Williams stated that his wife was disabled.

The member was of the opinion that it was not a prejudicial interest and he participated fully in the discussion on the item.

### 2. MINUTES

The Chairman signed the minutes of the previous meeting of this committee held on 25 June 2012 as a true record.

### 3. DELEGATE TO THE HEAD OF SERVICE THE POWER TO DETERMINE WHEN THERE IS EVIDENCE THAT JUSTIFIES A DEVIATION FROM THE LICENSING POLICY FOR HACKNEY AND PRIVATE HIRE VEHICLES

Submitted – the report of the Head of Regulatory Department on delegating the power for him to determine when there was evidence that justified a deviation from the Licensing Policy for Hackney and Private Hire Vehicles.

The Licensing Manager reported that there had been a number of recent occasions when the Licensing Policy for Hackney and Private Hire Vehicles had been challenged on the basis of evidence relating to some specific matters.

She noted that the standard conditions applicable to the licensing processes and procedures for hackney and private hire vehicles was a policy adopted by the Council in accordance with Sections 47 and 48 of the Local Government Act (Miscellaneous Provisions) 1976. It was essential that the conditions reflected changes in circumstances or legislation; and as a result it was sometimes necessary to review the conditions included in the policy. The last review of the Council's policy was undertaken by this committee on 22 October 2010. Occasionally, situations arose where an

evidence base was presented in order to challenge a particular aspect of the policy, and the Licensing Authority was required to review and change the conditions to reflect that. Recently, the policy was challenged on the specific issues listed below-

#### Hackney Vehicles

- That a vehicle had to be under three years old when an application for a licence was made in the Arfon zone for plates with numbers above 99.
- That a vehicle had to be under six years old when an application for a licence was made in the zones of Dwyfor and Meirionnydd.
- That vehicles licensed on plates with numbers above 99 in the Arfon Zone had to have side-loading wheelchair access, and had to be custom-built for this purpose.
- That a new vehicle in respect of an application to transfer a Hackney plate in the Arfon Zone for numbers over 99 had to be under three years old at the time of submitting the application, and had to have side-loading wheelchair access.
- That any new vehicle, in respect of an application to transfer a Hackney licence to another vehicle in the Zones of Meirionnydd and Dwyfor had to be under six years old.
- The retention of the 'Grandfather Rights' arrangement – where the 98 Hackney plate in the Arfon Zone was protected from the policy requirements in relation to the vehicle's age and the need for side-loading wheelchair access.

#### Private Hire Vehicles -

- That a vehicle had to be under six years old when an application for a private hire vehicle licence was made in the zones of Arfon, Dwyfor and Meirionnydd.
- That any new vehicle in respect of an application to transfer a private hire licence to another vehicle in the Zones of Arfon, Meirionnydd and Dwyfor had to be under six years old.

She noted that the current vehicle age restrictions in the policy derived from a historical attempt to encourage operators to incorporate new and more recent cars into their fleets. This intention had, to a great extent, been successful, and the operators and drivers themselves had seen the advantages of ensuring that the cars in their fleets were not too old. It was envisaged that the industry would continue to see the advantages of renewing their vehicles regularly even if the maximum vehicle age on a licence application was to be increased. She noted that the main consideration in terms of vehicle age was public safety and if an operator or driver could prove, by means of two mechanical checks each year (MOT and the Council's additional test) that the vehicle was roadworthy, there was therefore no real reason to refuse a licence on the basis of age. However, she was of the opinion that the maximum vehicle age contained in the current policy should be retained which ensured that any vehicle's licence, following its annual renewal, was revoked once the vehicle reached 12 years old.

The requirement for side-loading wheelchair accessible vehicle provision was introduced in the policy with the intention of encouraging the taxi industry in Gwynedd to provide Hackney vehicles that were likely to be eligible under any prospective regulations under the Disability Discrimination Act 1995. No regulations in respect of taxi vehicles had been made thus far under this legislation; and it was unlikely that any regulations would come into force in the future. Evidence had recently been submitted by people within the taxi vehicle industry in Gwynedd that challenged the need for side-loading wheelchair accessible vehicles. The majority of wheelchair users tended to phone to book a private hire vehicle beforehand rather than choose a hackney vehicle on the street.

She further noted that many private hire vehicle operators and drivers had recently identified a gap in the market in respect of wheelchair accessible vehicle provision. These were the vehicles used for schools and social services contracts as well as hospital transport services. The industry was eager to meet the demand; and the Council was keen to ensure that the current requirement for custom-built vehicles (i.e. not modified) with side-loading wheelchair access did not counteract this intention to provide more wheelchair accessible vehicles. The need for such a provision derived from guidance received some years ago following safety concerns in Hackney vehicle taxi ranks in central London. There was no evidence of similar concerns in Gwynedd.

She referred to the fact that there were now specific standards in relation to the quality and safety of vehicle modifications to enable them to carry wheelchairs. As far as the policy recognised the need for any vehicular modifications to be carried out in accordance with recognised standards and for modification work to be inspected by qualified companies, it was not considered that there was a continued need to require vehicles to be custom-built from the outset.

The policy in its entirety would need to be reviewed in the near future in accordance with current circumstances and potential changes to legislation. The members, the public and the industry would be consulted as part of this process.

In response to a question from a member regarding the age of a vehicle, the Licensing Manager noted that the age restriction was already operational when a vehicle was 12 years old. She noted that if the age restriction was abolished then perhaps there would be too many old vehicles in the fleet. Every vehicle received mechanical tests in order to ensure public safety.

A member drew attention to the difference between the three zones in terms of submitting an application for a hackney vehicle licence. In response, the Licensing Manager informed the committee that there were different zones in Gwynedd historically. This had existed since the days of the former Councils of Arfon, Dwyfor and Meirionnydd. She noted that a discussion had already been held in this committee regarding abolishing the zones but the industry strongly opposed the abolishment of the protection of

the plates under 99 in the Arfon zone. She further noted that a number of Councils had different zones, and if the industry continued to be keen to preserve those zones then fairness should be ensured between the three zones. Further consideration could be given to the matter when reviewing the policy.

**RESOLVED to approve to delegate the power to the Head of the Regulatory Department, in consultation with the Chair and Vice-chair of this Committee, to approve taxi vehicle licensing decisions which are contrary to current policy in relation to the matters listed above.**

The meeting commenced at 10.40am and concluded at 11.10am.

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## GENERAL LICENSING SUB-COMMITTEE, 18.10.12

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**Present:** Councillor W. Tudor Owen (Chairman)  
Councillors Angela Russell, Elfed Williams

**Also Present:** Siôn Huws (Compliance and Language Manager), Gwenan Williams (Licensing Manager) and Gwyn Parry Williams (Members Support and Scrutiny Officer).

**Others present:** Mr A (applicant) and his representative.

### 1. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any member present.

### 2. EXCLUSION OF PRESS AND PUBLIC

**RESOLVED** to exclude the press and public from the meeting during the discussion on the following item because of the likely disclosure of exempt information as defined in paragraphs 12 and 13, Part 4, Schedule 12 A of the Local Government Act 1972. These paragraphs apply because the individual in question is entitled to privacy and there is no overriding public interest that requires the disclosure of personal information relating to the individual, nor his identity. Consequently, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### 3. APPLICATION FOR HACKNEY/PRIVATE HIRE DRIVER'S LICENCE

The Licensing Manager submitted the written report on the application received from Mr A for a hackney/private hire driver's licence. She explained that a statement of convictions referred to relevant offences and, in such cases, officers did not have the right to consider the application. Therefore, this case was submitted for the sub-committee's consideration. The sub-committee considered a similar application by the applicant in February 2012 when it was resolved to refuse a licence as the relevant convictions had occurred too recently. In response to the decision, the applicant noted that he would make an application to the Criminal Records Bureau to review his criminal record as it was incorrect. An amended record by the Criminal Records Bureau had now been received, and the application submitted was based on that record, which was a true reflection of the applicant's situation.

Copies of the Criminal Records Bureau's amended report were distributed to the members.

In considering the application, the following procedure was followed –

1. Members of the sub-committee were given an opportunity to ask questions of the Council's representative.
2. The applicant and / or his representative were invited to ask questions of the Council's representative.
3. The applicant and / or his representative were invited to expand on the application.



4. Members of the sub-committee were given the opportunity to ask questions of the applicant and / or his representative.
5. The Council's representative was invited to ask questions of the applicant and / or his representative.
6. The Council's representative and the applicant and / or his representative were given the opportunity to summarise their case.

The applicant noted that he had previously been a lorry driver, but had received surgery on his back in 2011 and as a result had failed to undertake heavy work such as lorry driving or agricultural work thereafter. Obtaining a hackney/private hire driver's licence would be a way for him to earn a living. He acknowledged that he had convictions in the past and asked the sub-committee to consider giving him an opportunity to prove himself. He was also confident that he could deal with difficult customers without getting agitated.

The relevant parties left the meeting whilst the Sub-committee members discussed the application.

The Sub-committee took into account the Council's guidelines on convictions which provide as follows –

- *“A firm line will be taken with applicants with convictions for grievous bodily harm, wounding, assault or any other type of offence of a violent nature.*
- *An applicant must be free of conviction for at least three years before an application is considered.*
- *In all cases, if a licence is granted, a strict warning will be given as to the standards expected of licensed drivers.”*

The last offence disclosed had happened more than three years ago and therefore the application was one that could be considered. Consideration was given to the fact that six years had elapsed since the offence and that there was no evidence the applicant had been in any trouble since then. The Sub-committee felt that the applicant had acknowledged the seriousness of the offences and had accepted responsibility for them and showed remorse. Consequently, after careful consideration of the evidence and for the above reasons, the Sub-committee decided that the applicant was a proper person to hold a driver's licence, and the application was approved. However, it was agreed to draw the attention of the applicant to the high standard of conduct expected from him as a hackney/private hire driver and for him to accept it as a strict warning regarding his behaviour in future.

**RESOLVED to approve Mr A's application for a hackney/private hire driver's licence.**

The Compliance and Language Manager reported that he would aim to send a letter within five working days, informing the applicant of the Sub-committee's decision, and informing them of the right to appeal against the decision within 21 days of receiving that letter.

The meeting commenced at 2.00pm and concluded at 2.30pm.

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## GENERAL LICENSING SUB-COMMITTEE, 10.12.12

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**Present:** Councillor W. Tudor Owen (Chairman)

Councillors Angela Russell, Elfed Williams

**Also Present:** Siôn Huws (Compliance and Language Manager), Gwenan Williams (Licensing Manager) and Gwyn Parry Williams (Members Support and Scrutiny Officer).

### 1. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any member present.

### 2. EXCLUSION OF PRESS AND PUBLIC

**RESOLVED to exclude the press and public from the meeting during the discussion on the following items because of the likely disclosure of exempt information as defined in paragraphs 12 and 13, Part 4, Schedule 12 A of the Local Government Act 1972. These paragraphs apply because the individuals in question are entitled to privacy and there is no overriding public interest that requires the disclosure of personal information relating to those individuals, nor their identities. Consequently, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.**

### 3. AN APPLICATION FROM MR.A FOR HACKNEY/PRIVATE HIRE DRIVER'S LICENCE

The Licensing Manager submitted the written report on the application received from Mr A for a hackney/private hire driver's licence. She explained that a statement of convictions referred to relevant offences and, in such cases, officers did not have the right to consider the application. Therefore, this case was submitted for the sub-committee's consideration.

In considering the application, the following procedure was followed –

1. Members of the sub-committee were given an opportunity to ask questions of the Council's representative.
2. The applicant and / or his representative were invited to ask questions of the Council's representative.
3. The applicant and / or his representative were invited to expand on the application.
4. Members of the sub-committee were given the opportunity to ask questions of the applicant and / or his representative.
5. The Council's representative was invited to ask questions of the applicant and / or his representative.
6. The Council's representative and the applicant and / or his representative were given the opportunity to summarise their case.

The applicant gave details of the incident on 30 August 2011 when he was heavily provoked by two other persons and caused physical harm. He promised that something like this would not happen again. He was currently unemployed and obtaining a licence would be a way for him to get back into work.

The owner of the business was present at the meeting to speak on behalf of the applicant and testified to his character and confirmed that he was eager to employ the applicant.

The relevant parties withdrew from the meeting whilst the Sub-committee members discussed the application.

The Sub-committee took into account the Council's guidelines on convictions which provide as follows –

- *“A firm line will be taken with applicants with convictions for grievous bodily harm, wounding, assault or any other type of offence of a violent nature.*
- *An applicant must be free of conviction for at least three years before an application is considered.*
- *In all cases, if a licence is granted, a strict warning will be given as to the standards expected of licensed drivers.”*

The last offence disclosed had occurred within the period of three to five years noted in the policy and consideration was given to refusing the application for that reason. However, given that only one offence had been disclosed and that this, given the age of the applicant, appeared to be an isolated incident with no pattern or history of similar behaviour. For the above reasons, the Sub-committee decided that the applicant deserved a chance and was a suitable person to be granted a licence and, therefore, the application was granted. However, it was agreed to draw the attention of the applicant to the high standard of conduct expected from him as a hackney/private hire driver and for him to accept it as a strict warning regarding his behaviour in future.

**RESOLVED to approve Mr A's application for a hackney/private hire driver's licence.**

The Compliance and Language Manager reported that he would aim to send a letter within five working days, informing the applicant of the Sub-committee's decision, and informing him of the right to appeal against the decision within 21 days of receiving that letter.

#### **4. AN APPLICATION FROM MR. B FOR HACKNEY/PRIVATE HIRE DRIVER'S LICENCE**

The Licensing Manager submitted the written report on the application received from Mr. B for a hackney/private hire driver's licence. She explained that a statement of convictions referred to relevant offences and, in such cases, officers did not have the right to consider the application. Therefore, this case was submitted for the sub-committee's consideration.

The applicant was not present at the Sub-committee but the members agreed that the application should be considered in his absence.

The Sub-committee considered a report from the Criminal Records Bureau which disclosed a conviction dated 27 January 2012 for theft by an employee. Consideration was also given to additional observations by the police regarding the theft. This information was disclosed as the applicant had abused a position of trust and that this was especially relevant in the context of the responsibilities of a taxi driver. The Council's policy on convictions was also considered, which stated that a person with a conviction(s) need not be permanently barred from obtaining a licence, but should be expected to be free from conviction for three to five years, according to the circumstances before a licence was considered, and whilst the Council could use its discretion, its overriding consideration should be the protection of the public. The Policy specifically stated that a

serious view would be taken of any convictions involving dishonesty and that a period of at least three to five years free from conviction should be required before an application was considered.

The Sub-committee agreed that the offence was serious and was of the opinion that being able to trust a driver, due to the nature of his work, was essential. The Council Policy reflected this and no evidence had been presented to the Sub-committee which suggested that the Policy should not be adhered to in this case. Therefore it was resolved to refuse the application.

**RESOLVED to refuse Mr B's application for a hackney/private hire driver's licence.**

The Compliance and Language Manager reported that he would aim to send a letter within five working days, informing the applicant of the Sub-committee's decision, and informing him of the right to appeal against the decision within 21 days of receiving that letter.

**5. AN APPLICATION FROM MR. C FOR HACKNEY/PRIVATE HIRE DRIVER'S LICENCE**

The Licensing Manager submitted the written report on the application received from Mr. C for a hackney/private hire driver's licence. She explained that a statement of convictions referred to relevant offences and, in such cases, officers did not have the right to consider the application. Therefore, this case was submitted for the sub-committee's consideration.

In considering the application, the following procedure was followed –

1. Members of the sub-committee were given an opportunity to ask questions of the Council's representative.
2. The applicant and / or his representative were invited to ask questions of the Council's representative.
3. The applicant and / or his representative were invited to expand on the application.
4. Members of the sub-committee were given the opportunity to ask questions of the applicant and / or his representative.
5. The Council's representative was invited to ask questions of the applicant and / or his representative.
6. The Council's representative and the applicant and / or his representative were given the opportunity to summarise their case.

The applicant gave details of the domestic, family incident on 27 May 2007 and confirmed that these problems no longer existed and that something like this would not happen again.

The relevant parties withdrew from the meeting whilst the Sub-committee members discussed the application.

The Sub-committee took into account the Council's guidelines on convictions which provide as follows –

- *"A firm line will be taken with applicants with convictions for grievous bodily harm, wounding, assault or any other type of offence of a violent nature.*
- *An applicant must be free of conviction for at least three years before an application is considered.*
- *In all cases, if a licence is granted, a strict warning will be given as to the standards expected of licensed drivers."*

The last offence disclosed had happened more than five years ago and there was no evidence of any problems since then. Therefore, approving the licence would comply with the Council's policy. For these reasons, the Sub-committee decided that the applicant was a suitable person to be granted a licence and, therefore, the application was granted. However, it was agreed to draw the attention of the applicant to the high standard of conduct expected from him as a hackney/private hire driver and for him to accept it as a strict warning regarding his behaviour in future.

**RESOLVED to approve Mr C's application for a hackney/private hire driver's licence.**

The Compliance and Language Manager reported that he would aim to send a letter within five working days, informing the applicant of the Sub-committee's decision, and informing him of the right to appeal against the decision within 21 days of receiving that letter.

**6. AN APPLICATION FROM MR. D FOR HACKNEY/PRIVATE HIRE DRIVER'S LICENCE**

The Licensing Manager submitted the written report on the application received from Mr. D for a hackney/private hire driver's licence. She explained that a statement of convictions referred to relevant offences and, in such cases, officers did not have the right to consider the application. Therefore, this case was submitted for the sub-committee's consideration.

In considering the application, the following procedure was followed –

1. Members of the sub-committee were given an opportunity to ask questions of the Council's representative.
2. The applicant and / or his representative were invited to ask questions of the Council's representative.
3. The applicant and / or his representative were invited to expand on the application.
4. Members of the sub-committee were given the opportunity to ask questions of the applicant and / or his representative.
5. The Council's representative was invited to ask questions of the applicant and / or his representative.
6. The Council's representative and the applicant and / or his representative were given the opportunity to summarise their case.

The applicant gave details of the incident when a person attacked him and his friend without any provocation and that he had tried to defend himself. He noted that he had been driving taxis for ten years without any difficulties.

The relevant parties withdrew from the meeting whilst the Sub-committee members discussed the application.

The Sub-committee took into account the Council's guidelines on convictions which provide as follows –

- *"A firm line will be taken with applicants with convictions for grievous bodily harm, wounding, assault or any other type of offence of a violent nature.*
- *An applicant must be free of conviction for at least three years before an application is considered.*
- *In all cases, if a licence is granted, a strict warning will be given as to the standards expected of licensed drivers."*

The Criminal Records Bureau report had disclosed a police caution, dated 21 October 2011 for an offence under the Public Order Act 1986. Consideration was given to the Council's guidelines on offences which stated that in general, an application showing a caution may be considered and approved but the overriding consideration should be the protection of the public. Consideration was given to the applicant's explanation for the incident and taking into account that this was a public order offence rather than an offence of physical violence. On the other hand, the attacker was given a period of 18 months imprisonment for the attack. It was also noted that the applicant had been driving taxis for ten years without any difficulties. There was no reason to believe that public safety would be put at risk by granting the licence. For these reasons, the Sub-committee decided that the applicant was a suitable person to be granted a licence and, therefore, the application was granted.

**RESOLVED to approve Mr D's application for a hackney/private hire driver's licence.**

The Compliance and Language Manager reported that he would aim to send a letter within five working days, informing the applicant of the Sub-committee's decision, and informing him of the right to appeal against the decision within 21 days of receiving that letter.

## **7. AN APPLICATION FROM MR. E FOR HACKNEY/PRIVATE HIRE DRIVER'S LICENCE**

The Licensing Manager submitted the written report on the application received from Mr. E for a hackney/private hire driver's licence. It appeared from the Criminal Records Bureau report that the applicant had no convictions, but the police disclosed additional information on the report that was relevant to the application regarding two incidents on 24 July 2007 and 5 May 2012, and in such cases, officers did not have the right to consider the application and therefore this case was submitted for the consideration of the sub-committee.

In considering the application, the following procedure was followed –

1. Members of the sub-committee were given an opportunity to ask questions of the Council's representative.
2. The applicant and / or his representative were invited to ask questions of the Council's representative.
3. The applicant and / or his representative were invited to expand on the application.
4. Members of the sub-committee were given the opportunity to ask questions of the applicant and / or his representative.
5. The Council's representative was invited to ask questions of the applicant and / or his representative.
6. The Council's representative and the applicant and / or his representative were given the opportunity to summarise their case.

The applicant explained that he had been unemployed for five years and that he wished to work and as he liked driving, a job as a taxi driver would be appropriate. He referred to the syndrome he was suffering from and that working as a taxi driver would enable him to meet new people and make new friends. Having up to four people in the car would not cause any problems. He noted his intention to attend a social skills course and suggested perhaps the sub-committee would wish to approve the licence after he had attended that course.

A Social Worker and a representative from the Advocacy Service were also present at the meeting when it was explained that the Social Services Department would provide support for the applicant. It was noted that the applicant had recognised his mistakes and had promised to act appropriately from now on.

The relevant parties withdrew from the meeting whilst the Sub-committee members discussed the application.

The Sub-committee took into account the Council's guidelines on convictions which provide as follows –

- *“A firm line will be taken with applicants with convictions for grievous bodily harm, wounding, assault or any other type of offence of a violent nature.*
- *An applicant must be free of conviction for at least three years before an application is considered.*
- *In all cases, if a licence is granted, a strict warning will be given as to the standards expected of licensed drivers.”*

The sub-committee understood that the applicant wanted to work and recognised the problems caused as a result of his condition but the main consideration at all times was public protection. Although no convictions had been disclosed, the members had evidence of inappropriate behaviour. Such behaviour was inappropriate and a licence could not be permitted if there was a real possibility of such behaviour arising again. The latest case had taken place this year and although the Council's policy referred to convictions, it was based on the principle that the applicant was expected to be free from inappropriate behaviour for a sufficient period of time before the licence could be considered, usually three to five years. It was considered that support was available for the applicant but that support would not be available to him when he would be working alone as a taxi driver. There were also concerns about his safety when dealing with the type of difficult and offensive situations that taxi drivers had to face. It was noted that it was necessary for the licensing authority not to permit a licence unless it was “satisfied that the applicant was a fit and proper person to hold a driver's licence.” For the reasons noted above, the sub-committee was not satisfied that he was such a person and therefore decided to refuse the application. However, the applicant was encouraged to attend the social skills course and to take advantage of the support that was available.

**RESOLVED to refuse Mr E's application for a hackney/private hire driver's licence.**

The Compliance and Language Manager reported that he would aim to send a letter within five working days, informing the applicant of the Sub-committee's decision, and informing him of the right to appeal against the decision within 21 days of receiving that letter.

The meeting commenced at 1.30am and concluded at 3.20pm

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## GENERAL LICENSING SUB-COMMITTEE, 04.03.13

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**Present:** Councillor W. Tudor Owen (Chairman)  
Councillors Annwen Hughes and Angela Russell

**Also Present:** Siôn Huws (Compliance and Language Manager), Gwenan Williams (Licensing Manager) and Gwyn Parry Williams (Members Support and Scrutiny Officer).

### 1. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any members present.

### 2. EXCLUSION OF PRESS AND PUBLIC

**RESOLVED** to exclude the press and public from the meeting during the discussion on the following items because of the likely disclosure of exempt information as defined in paragraphs 12 and 13, Part 4, Schedule 12 A of the Local Government Act 1972. These paragraphs apply because the individuals in question are entitled to privacy and there is no overriding public interest that requires the disclosure of personal information relating to those individuals, nor their identities. Consequently, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### 3. AN APPLICATION FROM MR. A FOR A HACKNEY/PRIVATE HIRE DRIVER'S LICENCE

The Licensing Manager submitted the written report on the application received from Mr A for a hackney/private hire driver's licence. She explained that a statement of convictions referred to relevant offences and, in such cases, officers did not have the right to consider the application. Therefore, this case was submitted for the sub-committee's consideration. She referred to the different offences committed between 2002 and 2008.

In considering the application, the following procedure was followed –

1. Members of the sub-committee were given an opportunity to ask questions of the Council's representative.
2. The applicant and / or his representative were invited to ask questions of the Council's representative.
3. The applicant and / or his representative were invited to expand on the application.
4. Members of the sub-committee were given the opportunity to ask questions of the applicant and / or his representative.
5. The Council's representative was invited to ask questions of the applicant and / or his representative.
6. The Council's representative and the applicant and / or his representative were given the opportunity to summarise their case.

The applicant noted that the last offence was committed in 2007 and since then he had got married and had raised children. He had been unemployed for two years and this type of work would suit him. He acknowledged that he had been through a difficult period when



he had committed the different offences and that at the time he was suffering with depression and was under the care of his doctor. He had made a full recovery by now.

The relevant parties withdrew from the meeting whilst the Sub-committee members discussed the application.

The Sub-committee took into account the Council's guidelines on convictions which provide as follows –

- *“A firm line will be taken with applicants with convictions for grievous bodily harm, wounding, assault or any other type of offence of a violent nature.*
- *An applicant must be free of convictions for at least three years before an application is considered.*
- *In all cases, if a licence is granted, a strict warning will be given as to the standards expected of licensed drivers.”*

The last offence disclosed had happened more than five years ago and there was no evidence of any problems since then. Therefore, approving the licence would comply with the Council's policy. However, it was felt that before making a final decision on the application, it would be beneficial to receive details from the applicant's GP on his medical condition at the times when the offences were committed.

**RESOLVED to defer considering the application in order to give the applicant an opportunity to submit medical evidence on his condition within two weeks.**

The Language and Compliance Manager reported that he would aim to send out a letter within five working days notifying the applicant of the Sub-committee's decision.

#### **4. AN APPLICATION FROM MR. B FOR A HACKNEY/PRIVATE HIRE DRIVER'S LICENCE**

The Licensing Manager submitted the written report on the application received from Mr. B for a hackney/private hire driver's licence. She explained that a statement of convictions referred to relevant offences and, in such cases, officers did not have the right to consider the application. Therefore, this case was submitted for the sub-committee's consideration.

She referred to three offences committed during 2002 and 2010 and a caution that was given in 2008.

In considering the application, the following procedure was followed –

1. Members of the sub-committee were given an opportunity to ask questions of the Council's representative.
2. The applicant and / or his representative were invited to ask questions of the Council's representative.
3. The applicant and / or his representative were invited to expand on the application.
4. Members of the sub-committee were given the opportunity to ask questions of the applicant and / or his representative.
5. The Council's representative was invited to ask questions of the applicant and / or his representative.
6. The Council's representative and the applicant and / or his representative were given the opportunity to summarise their case.

The applicant elaborated on the different offences. He acknowledged that he had been drinking heavily for a period, especially in the evenings after finishing work. He confirmed that he had not drunk alcohol since the incident in 2010 and that he did not have alcohol in the house now. He noted that he had attended counselling sessions. He was eager to

obtain a licence as it would be a way of earning more money and since there was lack of work in the area.

The relevant parties withdrew from the meeting whilst the Sub-committee members discussed the application.

The Sub-committee took into account the Council's guidelines on convictions which provide as follows –

- *“A firm line will be taken with applicants with convictions for grievous bodily harm, wounding, assault or any other type of offence of a violent nature.*
- *An applicant must be free of convictions for at least three years before an application is considered.*
- *In all cases, if a licence is granted, a strict warning will be given as to the standards expected of licensed drivers.”*

The last offence disclosed had happened in 2010 and the Council's guidelines noted that the applicant must be free of convictions for at least three years before an application was considered. However, due to the nature of some of the incidents, it was not likely to pose a risk to people and the first offence was committed over 10 years ago. For this reason, the Sub-committee decided that the applicant was a suitable person to be granted a licence and, therefore, the application was granted. It was agreed to draw the attention of the applicant to the high standard of conduct expected from him as a hackney/private hire driver and for him to accept it as a strict warning regarding his behaviour in future.

**RESOLVED to approve Mr B's application for a hackney/private hire driver's licence.**

The Compliance and Language Manager reported that he would aim to send a letter within five working days, informing the applicant of the Sub-committee's decision, and informing him of the right to appeal against the decision within 21 days of receiving that letter.

## **5. SUSPENSION OF A HACKNEY/PRIVATE HIRE DRIVER'S LICENCE**

Submitted – the report of the Licensing Manager noting that a hackney/private hire driver's licence had been suspended on 6 February 2012, following disclosure of information by North Wales Police and the Gwynedd Child Protection Panel. She provided details of the basis of the suspension that was in accordance with the provisions of Section 61 of The Local Government (Miscellaneous Provisions) Act 1976. She noted that the driver had currently been released on conditional bail by the police. She asked the Sub-committee to approve the suspension.

**RESOLVED to approve the steps taken by the Licensing Enforcement Officers to suspend the hackney/private hire driver's licence.**

The meeting commenced at 11.30am and concluded at 12.45pm.

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## GENERAL LICENSING SUB-COMMITTEE, 22.04.13

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**Present:** Councillor Eryl Jones-Williams (Chairman)  
Councillors Eddie Dogan, Elfed Williams

**Also Present:** Geraint Edwards (Solicitor), Gwenan Williams (Licensing Manager) and Gwyn Parry Williams (Member Support and Scrutiny Officer).

**Apology:** Councillor Ann Williams

### 1. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any members present.

### 2. EXCLUSION OF PRESS AND PUBLIC

**RESOLVED** to exclude the press and public from the meeting during the discussion on the following items because of 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 apply because the individuals in question are entitled to privacy and there is no overriding public interest that requires the disclosure of personal information relating to those individuals, nor their identities. Consequently, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### 3. AN APPLICATION FROM MR. A FOR A HACKNEY/PRIVATE HIRE DRIVER'S LICENCE

The Licensing Manager submitted the written report on the application received from Mr A for a hackney/private hire driver's licence. She explained that a statement of convictions referred to relevant offences and, in such cases, officers did not have the right to consider the application. Therefore, this case was submitted for the sub-committee's consideration.

She noted that the sub-committee on 10 December 2012 had considered a previous application from the applicant, but the applicant or his representative had not attended the hearing at the time to explain the conviction which appeared on the report of the Criminal Records Bureau. The sub-committee had decided to refuse the application.

On 1 February 2013, a letter was received from the applicant's current employer, who operated a taxi business. He submitted evidence with the letter, explaining the background and circumstances in relation to the applicant's conviction. Guidance was received from the Chair of the Licensing Committee, Councillor W. Tudor Owen, on the matter, who directed that this was a matter for the sub-committee to determine. Further legal guidance was received afterwards, and the applicant was directed to obtain a new Criminal Records Bureau check, as the report from the original application was over six months old. The applicant then submitted a new application for a taxi driver's licence.

In considering the application, the following procedure was followed –

1. Members of the sub-committee were given an opportunity to ask questions of the Council's representative.
2. The applicant and / or his representative were invited to ask questions of the Council's representative.
3. The applicant and / or his representative were invited to expand on the application.
4. Members of the sub-committee were given the opportunity to ask questions of the applicant and / or his representative.
5. The Council's representative was invited to ask questions of the applicant and / or his representative.
6. The Council's representative and the applicant and / or his representative were given the opportunity to summarise their case.

The applicant noted that he had not driven taxis for a number of years. He had experienced problems with gambling in the past and had stolen a significant amount of money from his employer. He had consequently lost his job. He had had to undertake 300 hours of local community service, and by now he had obtained a permanent post with that employer. He confirmed that he attended Gamblers Anonymous meetings fairly regularly, and held meetings with his minister. He was keen to have a taxi licence in order to earn more money to support his family and pay off the debts.

The relevant parties withdrew from the meeting whilst the Sub-committee members discussed the application.

The Sub-committee took into account the Council's guidelines on convictions which provided as follows –

- *“A firm line will be taken with applicants with convictions for grievous bodily harm, wounding, assault or any other type of offence of a violent nature.*
- *An applicant must be free of convictions for at least three years before an application is considered.*
- *In all cases, if a licence is granted, a strict warning will be given as to the standards expected of licensed drivers.”*

The disclosed offence had happened in October 2011 and the Council's guidelines stated that an applicant must be free of convictions for at least three years before an application could be considered. A report by the Criminal Records Bureau referred to stealing from his previous employer, and he had therefore abused a position of trust, which was relevant in the context of a taxi driver's responsibilities. The Sub-committee considered the offence to be serious, and that being able to trust a driver, due to the nature of his work, was essential. For these reasons, it was resolved to refuse the application.

**RESOLVED to refuse Mr A's application for a hackney/private hire driver's licence.**

The Solicitor reported that he would aim to send a letter within five working days, informing the applicant of the Sub-committee's decision, and informing him of his right to appeal against the decision within 21 days of receiving that letter.

#### **4. URGENT ITEM**

(The following item had not been included on the sub-committee's agenda; however, the Chairman agreed to include the item under Section 100B (4)(b) of the Local Government Act 1972, because the application had been received after the agenda had been sent to members and because of the need for an early decision.

**An application from MR. B for a hackney/private hire driver's licence**

The Licensing Manager submitted the written report on the application received from Mr. B for a hackney/private hire driver's licence. She explained that a statement of convictions referred to relevant offences and, in such cases, officers did not have the right to consider the application. Therefore, this case was submitted for the sub-committee's consideration. She noted that the last offence had been committed in 2004. The application had been submitted originally to the sub-committee on 4 March 2013, where it was decided to defer a decision in order to give the applicant an opportunity to submit medical evidence of his condition. A letter was received from the doctor giving details of the applicant's medical condition between March 2003 and September 2004, but it did not refer to his mental health illness.

The applicant notified members that it had been discovered in 2006 that he was suffering from a mental health illness.

In light of the fact that the doctor's letter did not contain current information regarding the applicant's mental health illness, the sub-committee was of the opinion that the application should be deferred further until that information had been received.

**RESOLVED to defer considering the application further in order to give the applicant an opportunity to seek further medical evidence of his condition from November 2006 onwards.**

The Solicitor reported that he would aim to send a letter within five working days, informing the applicant of the Sub-committee's decision, and informing him of his right to appeal against the decision within 21 days of receiving that letter.

The meeting commenced at 2.00pm and concluded at 2.45pm.

<b>COMMITTEE:</b>	<b>GENERAL LICENSING COMMITTEE</b>
<b>DATE:</b>	<b>24 JUNE 2013</b>
<b>TITLE:</b>	<b>PROPOSED HACKNEY CARRIAGE, PRIVATE HIRE AND OPERATORS LICENCE FEES</b>
<b>PURPOSE:</b>	<b>FOR DECISION</b>
<b>AUTHOR:</b>	<b>HEAD OF REGULATORY DEPARTMENT</b>

## **BACKGROUND**

1. The Council is required to review its fees in respect of the licensing of hackney carriages and private hire vehicles on a regular basis.
2. Sections 53 and 70 of the Local Government (Miscellaneous Provisions ) Act 1976 provide that fees may be charged at a level sufficient to cover reasonable costs -
  - For the grant of a drivers licence for hackney carriage or private hire vehicle – costs associated with processing, administration and issue of licence.
  - For the grant of a vehicle and operators licence – inspection costs, hackney carriage stands, public notices, control and supervision of vehicles; and any other costs associated with processing an application.
3. The fees levied must be reasonable, and it is at the Council's discretion whether or not the fees are set at a level to enable full or partial cost recovery. Historically, fees have been set at a low level in Gwynedd in comparison to
4. Costs not met by the levy of fees become a burden on the Service and, ultimately, on the Council tax payer. A detailed cost analysis of income against expenditure on this function has revealed a significant budgetary deficit which cannot be sustained any longer in the current financial climate. The fees would have to be raised by at least 37% in order to achieve full cost recovery.

## **PROPOSAL**

5. **An increase of 25% is proposed on all taxi fees; with a further increase to move towards full cost recovery in 2014/15. The proposed increase, if approved, will be subject to statutory consultation. In future, the costs of providing the service will be assessed annually.**
6. The full list of current and proposed fees is attached to this report.

## **PRESENT SITUATION**

7. Fees for the issue of hackney and private hire (PH) carriages licences for vehicles, drivers and operators were subject to an increase in line with inflation during 2012/13. In 2010/11 principal fees associated with taxi licensing were raised between 17% and 49% to reflect increases in costs due to inflation which had not been levied in previous years and in the context of the increases in fees which had been applied in other local authorities.

## Gwynedd Taxi fees – 2007 - 2013

Licence type	2007/2008	2011/2012	2012/2013	Proposed 2013/14
Hackney or PH Vehicle	77	90	92	115
PH Operator	72	107	109	136.25
Hackney or PH driver	57	80	82	102.50

## Taxi fees – other Local Authorities 2013/14

LICENCE TYPE	HACKNEY OR PH VEHICLE	PH OPERATOR	HACKNEY OR PH DRIVER
<b>GWYNEDD (proposed)</b>	<b>115</b>	<b>136.25</b>	<b>102.50</b>
POWYS ( 12/13 fees)	129.50	172.40	140.70
VALE OF GLAMORGAN	230	225	80
NEWPORT	220	300*	300*
BLAENAU GWENT	154	82	41*
TORFAEN	185	278*	113*
CARMARTHENSHIRE	141.45*	133.25	33
YNYS MON	126	117.50	102*
CONWY	220*	130*	145*

\* data not comparable - some fees include DBS checks; MOT and test charges; operator fees increase for more vehicles in fleet; vary for new and renewal applications etc.

## COMPARISON WITH FEES LEVIED BY OTHER LOCAL AUTHORITIES

- It can be seen from the table that even with the proposed increase of 25%. Many Local Authorities have reported to their Committees over the last 12 months that financial pressures have made subsidised fees unsustainable.

## CONSULTATION WITH THE TRADE

- The intention to raise fees to move towards cost recovery has been consulted upon with the Cabinet Member, Councillor John Wyn Williams. The proposed fees have also been consulted upon internally with the Head of Finance. Once this Committee makes a decision on the proposed fees a thorough public consultation will commence in accordance with the statutory requirements.
- S70 of the Local Government (Miscellaneous Provisions ) Act 1976 requires that a public notice of the proposed fee variations appear in the local press. The notice will be placed in the local press on or before the 17<sup>th</sup> of July 2013, and the taxi trade will also be directly consulted before this date; allowing for sufficient opportunity for any concerns to be addressed. This notice must include a date which the fees become operational, 28 days after the date of the notice; if there are no objections to the fees. Any objections to the fees would have to be considered by this Committee during its next meeting on September the 16<sup>th</sup> 2013, and the fee levels determined accordingly. New fees will not become operational until a final decision is made by this Committee.

## **CONSIDERATION OF RISKS**

11. There are potential risks in respect of raising taxi fees; but there are also risks associated with maintaining fees at a low level, without a move towards cost recovery.
12. In the current economic context it is appreciated that any increases in fees will be seen as an additional burden on the taxi trade. The increase equates to an additional £20.50 for a taxi driver's licence and £23 for a vehicle licence. For an owner /driver with one vehicle, the increase will be less than one pound a week.
13. After consideration of all the relevant factors it is clear maintaining the current situation, of subsidising the licensing process is not sustainable.

## **RECOMMENDATION**

14. The Committee is requested to consider and approve the proposal of the Head of Regulatory department to increase all taxi fees by 25%, with a move towards full cost recovery in 2014/15.
15. The proposed increase if approved will be subject to statutory consultation and costs of providing the service will be assessed annually.



FFIOEDD ARFAETHEDIG – TRWYDDEDAU TACSIS PROPOSED FEES – TAXI LICENSES		FFIOEDD / FEES 2012/13			FFIOEDD ARFAETHEDIG / PROPOSED FEES 2013/14			
		Ffi/Pris Eithrio TAW / Fee/Charge excluding VAT	TAW / VAT @ 20%	Ffi/Pris yn cynnwys TAW lle'n berthnasol / Fee/Charge including VAT where applicable	Ffi/Pris Eithrio TAW / Fee/Charge excluding VAT	TAW / VAT @ 20%	Ffi/Pris yn cynnwys TAW lle'n berthnasol / Fee/Charge including VAT where applicable	Cynnydd/ Increase
<b>Hacni a Hurio Preifat</b>	<b>Hackney and Private Hire</b>							
Trwydded Gyrwr Cerbyd	Hackney Carriage and Private Hire							
Hacni a Hurio Preifat	Drivers Licence	£82.00	£0.00	£82.00	£102.50	£0.00	£102.50	25.0%
Trwydded Gweithredwr								
Hurio Preifat	Private Hire Operators Licence	£109.00	£0.00	£109.00	£136.25	£0.00	£136.25	25.0%
Trwydded Gweithredwr	Private Hire Operators Licence -							
Hurio Preifat - Cludiant Ysgolion	School Transport	£54.00	£0.00	£54.00	£67.50	£0.00	£67.50	25.0%
Trwydded Hacni Ceffyl a	Horse Drawn Hackney Carriage							
Char	Licence	£92.00	£0.00	£92.00	£115.00	£0.00	£115.00	25.0%
<b>Categori</b>	<b>Category</b>	£92.00	£0.00	£92.00	£115.00	£0.00	£115.00	25.0%
Trwydded Cerbyd Hurio								
Preifat	Private Hire Vehicle Licence	£92.00	£0.00	£92.00	£115.00	£0.00	£115.00	25.0%
Trwydded Cerbyd Hurio	Private Hire Vehicle Licence -							
Preifat - Cludiant Ysgolion	School Transport	£54.00	£0.00	£54.00	£67.50	£0.00	£67.50	25.0%
Adnewyddu Bathodyn								
Adnabod Gyrwr	Replacement Drivers ID Badge	£9.00	£0.00	£9.00	£11.25	£0.00	£11.25	25.0%
Plat Trwydded Cerbyd (Par)	Vehicle Licence Plate (Pair)	£21.00	£0.00	£21.00	£26.25	£0.00	£26.25	25.0%
Braced Plat Trwydded								
Cerbyd (Par)	Vehicle Licence Place Bracket (Pair)	£21.00	£0.00	£21.00	£26.25	£0.00	£26.25	25.0%
Trosglwyddo Trwydded i	Transfer of Licence to replacement							
gerbyd arall - Cerbyd Hacni neu	vehicle - Hackney Carriage or Private Hire							
Cerbyd Hurio Preifat	Vehicle	£45.00	£0.00	£45.00	£56.25	£0.00	£56.25	25.0%
Trosglwyddo Trwydded i	Transfer of Licence to new							
Perchennog newydd - Cerbyd	Proprietor - Hackney Carriage or Private							
Hacni neu Cerbyd Hurio Preifat	Hire Vehicle	£45.00	£0.00	£45.00	£56.25	£0.00	£56.25	25.0%
Plat Cerbyd (Yr un)	Vehicle Plate (Each)	£11.00	£0.00	£11.00	£13.75	£0.00	£13.75	25.0%
Plat Mewnol	Internal Plate	£10.00	£0.00	£10.00	£12.50	£0.00	£12.50	25.0%
Llawes Plat Mewnol	Internal Plate Sleeve	£3.00	£0.00	£3.00	£3.75	£0.00	£3.75	25.0%
Sticer Drws Cerbyd Hurio								
Preifat (Yr un)	Private Hire Door Sticker (Each)	£11.00	£0.00	£11.00	£13.75	£0.00	£13.75	25.0%
Gwiriad y Gwasanaeth	Disclosure and Barring Service							
Datgelu a Gwahardd	Check							
Ffi Statudol	Statutory Fee	£44.00	£0.00	£44.00	£44.00	£0.00	£44.00	0.0%
Ffi Weinyddol	Admin Fee	£6.00	£1.20	£7.20	£6.00	£0.00	£6.00	0.0%