



Complete Agenda

Democratic Services
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

GENERAL LICENSING COMMITTEE

Date and Time

MONDAY, 20TH JUNE, 2016

To follow on from Central Licensing Committee

Location

**Siambr Hywel Dda, Council Offices,
Caernarfon, Gwynedd. LL55 1SH**

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(DISTRIBUTED Friday, 10 June 2016)

GENERAL LICENSING COMMITTEE

MEMBERSHIP (15)

Plaid Cymru (8)

Councillors

Annwen Daniels
Christopher Hughes
Ann Williams
R. H. Wyn Williams

Annwen Hughes
W. Tudor Owen
John Wyn Williams
Vacant seat

Independent (5)

Councillors

John Brynmor Hughes
Eryl Jones-Williams
Louise Hughes

Angela Russell
Elfed Williams

Llais Gwynedd (2)

Councillors

I. Dilwyn Lloyd

Peter Read

Aelodau Ex-officio / Ex-officio Members

Chairman and Vice-Chairman of the Council

A G E N D A

1. ELECT CHAIR

To elect a Chair for 2016/17

2. ELECT VICE CHAIR

To elect a Vice Chair for 2016/17

3. APOLOGIES

To receive any apologies for absence.

4. DECLARATION OF PERSONAL INTEREST

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

4 - 5

The Chairman shall propose that the minutes of the meeting of this Committee, held on 7.3.16 be signed as a true record.

7. GENERAL LICENSING SUB-COMMITTEE MINUTES

6 - 9

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

- i. 07.3.16
- ii. 05.4.16

8. FFORDD GWYNEDD - LICENSING EXERCISE

Oral update from the Licensing Manager

Agenda Item 6

GENERAL LICENSING COMMITTEE, 07.03.16

Present: Councillors Annwen Hughes, John Brynmor Hughes, Louise Hughes, Eryl Jones-Williams, Tudor Owen, Ann Williams, Elfed W. Williams and Wyn Williams

Also in Attendance: Sheryl Le Bon Jones (Licensing Manager), Geraint B. Edwards (Solicitor) and Lowri Haf Evans (Member Support and Scrutiny Officer)

1. APOLOGIES

Apologies were received from Councillors Annwen Daniels, Dilwyn Lloyd, Peter Read and John Wyn Williams and from Gareth Jones (Senior Manager - Planning and Environment Service)

2. DECLARATION OF PERSONAL INTEREST

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

3. URGENT ITEMS

In response to a concern regarding appropriate training for taxi drivers, it was noted that the North Wales Group had collaborated with Barnardos and North Wales Police to draw up a training programme in response to the Rotherham Report (in the context of sexual misconduct with children).

It was reported that Conwy had already imposed a condition on driving licences for the driver to have a taxi driver qualification (BTEC Level 2). It was highlighted that this qualification included elements such as health and safety, customer care, transporting and loading parcels and transporting children and vulnerable adults, and a two-year completion period had been set. It was noted that Gwynedd had identified this need and it was suggested that this should be considered when the policies were reviewed.

The Licensing Unit's referral to the training field for taxi drivers was welcomed and a request was made for the unit to share information about the training with the members.

4. MINUTES OF THE PREVIOUS MEETING

The Chairman signed the minutes of the previous meeting of this committee, held on 1 December 2015, as a true record.

In response to the request made for more information about the use of orange wallets on public transport where purposeful cards were used to communicate with

transport providers, it was reported that the North Wales Group had provided similar provision for taxi journeys.

It was accepted that this was good practice.

5. MINUTES OF THE GENERAL LICENSING SUB-COMMITTEE

Submitted - for information, the minutes of a meeting of the General Licensing Sub-committee held on 12.11.15.

6. REVISION OF GWYNEDD COUNCIL'S POLICIES

- **Combined Hackney Carriage/Private Hire Vehicle Driver Licence Policy**
- **Hackney Carriages/Private Hire Vehicles Licensing Policy**
- **Private Hire Operators Licensing Policy**

A verbal update from the Licensing Manager was provided on the work of reviewing the licensing policies to create a unified policy. It was reported, due to the service's Ffordd Gwynedd exercise to review its work processes to ensure that the people of Gwynedd were at the centre of what was implemented, that the review work was slightly behind schedule and the intention was to continue with the review when the exercise had been completed.

Nevertheless, the opportunity was taken to report that one likely change would be included in the review, namely the requirement for a local test for vehicles. It was noted that this test would be additional to the simple one that was currently being operated – it would set detailed and specific guidelines on the condition of the vehicle (inside and out) and would ensure that it was safe and aesthetically pleasing. It was reported that VOSA (*Vehicle and Operator Services Agency*) had suggested that every Council implement this test and it was highlighted that some Councils had already adopted it. Consequently it would be possible to remove the 'vehicle age restrictions' and only take the condition of the car into consideration.

In response to a question, it was noted that the Ffordd Gwynedd exercise would identify current obstacles within the service and the need to respond to them effectively.

The Licensing Unit staff was thanked for its work.

The meeting commenced at 10.50am and concluded at 11.15am.

GENERAL LICENSING SUB-COMMITTEE 07.03.2016

Present: Councillor Tudor Owen (Chair), Councillors Annwen Hughes and Angela Russell

Officers: Geraint B. Edwards (Solicitor), Sheryl Le Bon (Licensing Manager) and Lowri Haf Evans (Member Support and Scrutiny Officer).

1. WELCOME and APOLOGIES

The Chairman, Councillor W. Tudor Owen, welcomed everyone to the meeting. The panel and the officers were introduced to everyone present.

2. DECLARATION OF PERSONAL INTEREST

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

3. URGENT ITEMS

None to note

4. 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 are relevant because the individuals in question were entitled to privacy and there was no public interest that required 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.

5. APPLICATION FOR A HACKNEY/PRIVATE HIRE DRIVER'S LICENCE

- a) The Licensing Manager presented the written report on the application received from Mr A for a new hackney/private hire driver's licence. It was noted that the hearing was a follow-up to a decision made on 12.11.15 where the hearing was postponed until any prosecutions for charges made against the applicant had come to an end.
- b) It was reiterated that a statement of convictions had been submitted, and due to the fact that crimes which remained relevant to the licensing field had been included in the statement, the Committee was requested to consider the application in accordance with the DBS record, and in accordance with the guidance on relevant crimes and convictions. It was added that no additional convictions had been noted since the submission of the original application and that this information had been submitted voluntarily.
- c) The applicant was invited to expand on the application. It was acknowledged that the disclosed offences were accurate but were now historical.
- d) The owner of a local Taxi Company supported Mr A's application and he confirmed that he had known the applicant for some years. He noted that the applicant was a reliable and honest person and that a job was available for Mr A should the licence be approved.

- ch) The applicant and the owner of the Taxi Company withdrew from the room while the Sub-committee members discussed the application.
- e) In making its decision, the Sub-committee had considered the following factors along with the requirements of 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire.'
1. That the applicant had previous convictions.
 2. That the Sub-committee had considered under the Council's policy, that at least three years should pass before issuing a licence where relevant convictions existed. It was noted that 18 years had passed since the applicant's last conviction, and therefore the Sub-committee was satisfied that the convictions did count against him.
 3. It was considered that the applicant had experience in the field.
 4. The Sub-committee had not considered the court case as it had been the crown prosecution service's decision not to take criminal proceedings against the applicant. In addition, an allegation of driving a hackney vehicle without a hackney driver's licence was disregarded due to the Council's decision to withdraw the prosecution - the applicant was found not guilty by the court as a result.

RESOLVED that the applicant is a suitable and appropriate person to be granted a hackney/private hire driver's licence and Mr A's application for a hackney/private hire driver's licence was approved.

The meeting commenced at 12:20pm and concluded at 1:00pm

GENERAL LICENSING SUB-COMMITTEE 05.04.2016

Present: Councillor Tudor Owen (Chair), Councillors John Brynmor Hughes and Elfed Williams

Officers: Geraint B Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager), Bob Taylor (Licensing Enforcement Officer) and Lowri Haf Evans (Member Support and Scrutiny Officer).

1. WELCOME and APOLOGIES

The Chairman, Councillor W. Tudor Owen, welcomed everyone to the meeting. The panel and the officers were introduced to everyone present.

In response to a request from the applicant, the hearing was held in English.

2. DECLARATION OF PERSONAL INTEREST

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

3. URGENT ITEMS

None to note

4. 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 applied because the individuals in question were entitled to privacy and there was no overriding interest that required 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.

5. APPLICATION FOR HACKNEY / PRIVATE HIRE DRIVER'S LICENCE

- a) The Licensing Manager presented the written report on the application received from Mr A. for a new hackney/private hire driver's licence.
- b) It was reiterated that a statement of convictions had been submitted. No convictions that were relevant to the licensing field had been included in the applicant's statement, but attention was drawn to additional information submitted by the Police that was relevant to the application. The Committee was asked to consider the application in accordance with the DBS record, and in accordance with the guidelines on relevant crimes and convictions.
- c) The Licensing Manager's recommendation was to refuse the application due to matters disclosed by the Police, and in accordance with the Council's taxi policy 'Suitability Criteria for Drivers and Operators'.
- ch) The applicant was invited to expand on his application. The applicant referred to a letter he wrote to the Betsy Cadwaladr Health Board explaining his situation.
- d) The applicant withdrew from the room while the Sub-committee members discussed the application.

- dd) In reaching their decision, the Sub-committee had considered the following factors
- the applicant's application form
 - the Licensing Department's report along with the DBS statement
 - Gwynedd Council letter dated 17 December 2012
 - letter dated 4 November, 2015 submitted to the Betsi Cadwaladr University Health Board
 - the requirements of 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire - specifically paragraphs 7.1, 7.2 and 7.5 in relation to sexual offences and indecency.
 - oral observations

- e) The Sub-committee accepted the information recorded in the DBS statement as a correct description of the events. The Sub-committee was reminded, in accordance with section 59 of the Local Government (Miscellaneous Provisions) Act 1976, that a licensed could not be issued unless they were satisfied that the applicant was a fit and proper person to hold a licence.

The Sub-committee was advised of the meaning of a "fit and proper person" and reference was made to the ruling of *McCool v Rushcliffe Municipal Council [1988] 3 All ER 889*, where the High Court confirmed its meaning: "...those licensed to drive...are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience; sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers."

- f) While considering the incidents which were sexual, indecent and violent in nature, the Sub-committee was not persuaded that the applicant was a suitable person and that he would not take advantage of his employment. There was concern that the applicant had submitted a complaint to Betsi Cadwaladr University Health Board for sharing personal, confidential details with the Police. The Sub-committee's opinion, in the interests of the protection of public safety, was that this information had been shared correctly, and as result, the applicant's unwillingness to share the information with a relevant authority raised doubts regarding his honesty. In addition, the observation that employment details had been submitted on the application form, without asking for employment nor support from the company, also cast doubt on the applicant's honesty.
- ff) It was accepted that the applicant had Asperger's Syndrome which affected his communication, social and interaction skills and his imagination. However, the main priority of the Sub-Committee was to protect the public by ensuring that they were safe in the hands of Gwynedd's taxi drivers.
- g) Under the circumstances, the Sub-committee was not satisfied that the application complied with the criterion of "a fit and proper person". The application was refused.

RESOLVED that the applicant was not a fit and proper person to be granted a hackney/private hire driver's licence and Mr A's application for a hackney/private hire driver's licence was refused.

The Solicitor reported that the decision would be confirmed formally by letter. He also notified the applicant that he had the right to appeal the decision within 21 days of receiving the letter.

The Sub-committee encouraged the applicant to attend suitable training courses to maximise his hopes of employment in future.

The meeting commenced at 2.15pm and concluded at 3:10pm