



Complete Agenda

Democratic Service
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

GENERAL LICENSING COMMITTEE

Date and Time

TUESDAY, 1ST DECEMBER, 2015

(TO FOLLOW ON FROM CENTRAL LICENSING COMMITTEE)

Location

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

Contact Point

Lowri Haf Evans

01286 679 878

lowrihafevans@gwynedd.gov.uk

(DISTRIBUTED 26 November 2015)

GENERAL LICENSING COMMITTEE

MEMBERSHIP (15)

Plaid Cymru (8)

Councillors

Craig ab Iago
Annwen Hughes
W. Tudor Owen
R. H. Wyn Williams

Annwen Daniels
Christopher Hughes
Ann Williams
Vacant seat

Independent (4)

Councillors

John Brynmor Hughes
Angela Russell

Eryl Jones-Williams
Elfed Williams

Llais Gwynedd (2)

Councillors

I. Dilwyn Lloyd

Peter Read

Individual Member (1)

Councillor Louise Hughes

Aelodau Ex-officio / Ex-officio Members

Chairman and Vice-Chairman of the Council

A G E N D A

1. APOLOGIES

To receive any apologies for absence.

2. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest.

3. URGENT ITEMS

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

4. MINUTES

1 - 5

The Chairman shall propose that the minutes of the meeting of this Committee, held on 14 September 2015 be signed as a true record.

5. GENERAL LICENSING SUB-COMMITTEE MINUTES

6 - 9

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

- a) 2.09.15
- b) 3.11.15

6. REVISION OF GWYNEDD COUNCIL'S POLICIES

To receive an update from the Licensing Manager

GENERAL LICENSING COMMITTEE 14/09/15

Present:

COUNCILLORS: Annwen Hughes, Eryl Jones-Williams, W. Tudor Owen, Angela Russell, Ann Williams and Elfed Williams

OFFICERS: Gareth Jones (Senior Planning and Environment Manager), Sheryl Le Bon (Licensing Manager), Geraint B. Edwards (Solicitor) and Lowri Haf Evans (Member Support and Scrutiny Officer)

1. APOLOGIES

Everyone was welcomed to the meeting by the Chairman, Councillor Eryl Jones-Williams. Apologies were received from Councillors Craig ab Iago, Llywarch Bowen Jones, Louise Hughes, Dilwyn Lloyd and Peter Read.

Councillor Eddie Dogan was thanked for his service to the Licensing Committee over the years – it was noted that the Councillor was standing down due to his health.

Concern was raised regarding the number of Members present and the number of vacant seats on the Committee. It was agreed to draw the matter to the attention of the Monitoring Officer.

2. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any members present

3. URGENT ITEMS

None to note.

4. MINUTES

The Chairman signed the minutes of the previous meeting of this committee, held on 22 June 2015 as a true record.

5. GENERAL LICENSING SUB-COMMITTEE MINUTES

Submitted - for information, the minutes of the General Licensing Sub-committee meeting held on 12.06.15.

6. PROPOSED TAXI LICENSING FEES 2015

Submitted - the report of the Head of the Regulatory Department, recommending that the Committee supported the intention to increase the Taxi Licensing Fees to the recommended levels, in order to achieve full cost recovery, prior to their approval by the Head of the Regulatory Department for implementation from 1 October 2015.

The Council was required to review its fees in respect of taxi licensing (i.e. hackney carriage licences, private hire vehicle licences, private hire operator licence and driver licences) on a regular basis. Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976 provided that fees could be charged at a level sufficient to recover reasonable costs. On 24 June 2013, this Licensing Committee decided:

- To review the fees annually
- That taxi licensing fees must be increased in order to achieve full cost recovery.

This year, the Treasurer's Department had calculated that the amount which the Council was permitted to recover the cost of providing the taxi licensing function in 2015/16 is £141,626.

In 2014/15, the actual income from taxi licensing had been £127,848. There was therefore a **projected** income shortfall of £13,778 for 2015/16. It was therefore suggested, in order to achieve full cost recovery and to ensure that the Unit was self-sufficient, that this year's fees should be increased by 10.78%.

It was reported that the proposed fees had been consulted upon internally with the Head of Finance who supported increasing the fees to achieve full cost recovery. A public notice had been placed in the local press on 20 August 2015 and a copy made available for inspection in Siop Gwynedd Caernarfon, Pwllheli and Dolgellau in accordance with the statutory requirements. The consultation end date was 17 September 2015. In addition to the statutory requirements a copy of the public notice had been made available on the Council's website and the taxi trade had been informed of the consultation by letter on 14 August 2015. A total of 505 letters had been sent. The trade had been reminded in this letter that there would be an opportunity to submit formal representations during the consultation period. As at 14/09/15 the Licensing Unit had received **one** letter objecting to the new fees.

During the discussion, the following observations were made:

- Would the cost deficit be a recurring pattern?
- Were the numbers of drivers decreasing due to the increasing costs?
- What was the comparison with nearby counties
- Both operators and drivers needed to recover costs, therefore fairness must be ensured
- Historically, the Council had not regularly increased its fees, and therefore since 2013 the increase appeared to be high. However, the percentages had been increased at acceptable rates.
- 505 letters had been sent – one objector had responded to the review – which illustrated that the companies accepted the increase.

In response to the above observations, the Head of the Regulatory Department noted that the intention was for the fee to reach the costs of providing the service, in the hope that there would ultimately be no deficit. If income exceeded the costs, the profit would have to be considered against the following year's fees. The fees would be reviewed annually – it was difficult to anticipate the fees, but it was required to operate in accordance with the act.

The Licensing Manager noted that there had been no substantial change in the number of drivers / operators, but Members were reminded that the length of the licence period would change in October 2015 due to the requirements of the Deregulation Act 2015. The length of a licence would be 3 and 5 years, which would again have an impact on the income. It was also noted that information about the fees in neighbouring counties could be provided by the next meeting. Additionally, it was noted that every Council had to review its fees by 1.10.2015.

It was proposed and seconded to support the intention.

RESOLVED to support the intention to increase the Taxi Licensing Fees to the suggested levels in order to achieve full cost recovery, prior to their approval by the Head of the Regulatory Department for implementation from 1 October 2015.

7. REVISION OF GWYNEDD COUNCIL'S POLICIES

- **Combined Hackney Carriage/Private Hire Vehicle Driver Licence Policy**
- **Hackney Carriage & Private Hire Vehicle Licensing Policy**
- **Private Hire Operator's Licensing Policy**

Submitted – a report by the Head of the Regulatory Department requesting the committee's support to review the licensing policies and to create a unified policy to replace the three separate policy documents. It was also noted that during its meeting on 22 June 2015 this Committee resolved that the policies and working practices relating to Taxi Licensing needed to be updated and reviewed following the increase in the number of applications being made to license a vehicle contrary to policy and following the Deregulation Act 2015 and the measures affecting the Local Government (Miscellaneous Provisions) Act 1976.

In relation to a unified policy, it was noted that the Local Government Association: (ref 'Taxi and PHV Licensing – Councillor's Handbook' dated March 2015) strongly encouraged licensing authorities to create an unified policy that brought together all their policies and procedures in one place. Creating a single, unified policy that would be reviewed on a regular basis would provide clarity for drivers and operators, as well as strengthening the council's position if there was a challenge against a decision in court.

The attention of Members was drawn to the proposed high-level changes that would need consideration in relation to drivers, vehicles and operators, and in particular 'grandfather rights', 'vehicle age specifications' and 'wheelchair accessibility'.

Under 'grandfather rights' it was proposed:

Proposal 1: That the 'Grandfather Rights' status for Arfon hackney carriage proprietors be removed from the policy and all proprietors be subject to the same conditions and vehicle requirements. It is also proposed that the vehicle specification of all vehicles in all zones be unified to create a more transparent and relevant policy for all proprietors across the county.

Under 'vehicle age specifications' it was proposed,

Proposal 2: In all zones, an application to license a vehicle for the first time as a Hackney Carriage or Private Hire vehicle must be in respect of a vehicle that is less than 6 years old on the date when the completed application is received by the Licensing Authority.

Proposal 3: In all zones, an application to renew the licence of a Hackney Carriage or Private Hire vehicle must be in respect of a vehicle that is less than 12 years old on the date when the current licence expires.

Proposal 4: Gwynedd Council will permit the renewal of a licence of a Hackney Carriage or Private Hire vehicle beyond the upper age limit of 12 years if it can be shown that the vehicle is in 'exceptional condition'.

Under 'wheelchair accessibility' it was proposed:

Proposal 5: All proprietors will be encouraged to license as many wheelchair accessible hackney carriages as they deem necessary. However, Gwynedd Council will impose a requirement that for every 7 licensed hackney carriages in a proprietor's fleet at least 1 hackney carriage of that 7 must be a wheelchair accessible vehicle. Therefore if the fleet size was 14 hackney carriages, the requirement would be that at least 2 of the 14 vehicles be wheelchair accessible.

It was anticipated that Proposals 1 – 5 could be considered contentious changes to the current policy and conditions regarding Hackney Carriages and Private Hire Vehicles by some proprietors or users in the Arfon area. However, it was outlined that these changes would be made in the spirit of 'Ffordd Gwynedd' and would ensure consistency for everyone across the zones. It was noted that the process of amending requirements was complex, and that the intention was to introduce policies that met the needs of Gwynedd's citizens and ensured an effective Licensing service for all owners and users.

Regarding a timescale, it was noted that the Cabinet Member was eager for the Committee to receive a draft copy of the unified policy prior to the start of the consultation. Officials would aim to present a draft document at the next meeting (7 December 2015)

RESOLVED to accept the report in accordance with the amended recommendations:

The Committee authorises the Head of the Regulatory Department to commence a review of the licensing policies in relation to hackney and private hire operators, vehicles and drivers.

The Committee supports the overall direction of Proposals 1 to 5 as a starting point for the review.

The meeting commenced at 10:00am and concluded at 10:55am

CHAIRMAN

GENERAL LICENSING SUB-COMMITTEE 02.09.15

Present: Councillor Tudor Owen (Chair), Councillors Angela Russell and Elfed Williams

Officers: Siôn Huws (Senior Solicitor), Sheryl Le Bon Jones (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 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.

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

- a) The Licensing Officer presented the written report on the application received from Mr A for a new hackney/private hire driver's licence. It was explained that a statement of convictions had been submitted, and due to the fact that the crimes remained relevant to the licensing field, 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.
- b) The applicant was invited to expand on his application. It was acknowledged that the disclosed offences had occurred during his teens as a result of immature decisions. He expanded that he was remorseful and that he was now a responsible father with a positive attitude towards life and work. He also noted that he had been offered a job with a local company.

A letter containing the applicant's character reference was submitted and the Licensing Manager confirmed that a verbal request had been made to employ the applicant, that he had passed a medical test and had passed a theory test.

- c) The applicant withdrew from the room while the Sub-committee members discussed the application.

ch) After detailed consideration, the Sub-committee decided that the applicant was a suitable person to be granted a licence and the application was approved. The Sub-committee felt that the applicant had acknowledged the seriousness of the offence and that he had shown remorse. It was also acknowledged that he had shown evidence of changing his lifestyle.

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

The Solicitor reported that the Licensing Unit would send a letter to the applicant confirming the decision of the Sub-committee.

The meeting commenced at 3:30pm and concluded at 4:10pm.

GENERAL LICENSING SUB-COMMITTEE 03.11.15

Present: Councillor Eryl Jones-Williams (Chair), Councillors Ann Williams and Elfed Williams

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

1. WELCOME AND APOLOGIES

Everyone was welcomed to the meeting by the Chair, Councillor Eryl Jones-Williams. 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 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.

With the applicant's consent, Councillor Angela Russell (reserve member for the Licensing Sub-committee) was allowed to observe the meeting in order to familiarise herself with the procedure for a hearing.

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

- a) The Licensing Officer presented the written report on the application received from Mr A for a new hackney/private hire driver's licence. It was explained that a statement of convictions had been submitted, and due to the fact that the crimes remained relevant to the licensing field, 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 highlighted that the applicant was a courteous person, that he had kept his appointments and had been prepared to disclose personal information and had collaborated with the department. It was also noted that he had a clean driving licence since 2011.
- b) The applicant was invited to expand on his application. It was acknowledged that the crimes disclosed were correct. He elaborated that he was looking for less laborious work as he was getting older and he noted that he had been offered a job with a local taxi company.

Supporting Mr A's application was the Owner of the Taxi Company and he confirmed that he had known the applicant for some years and that he had a job available for Mr A should the licence be approved.

- c) The applicant and the Taxi Company owner withdrew from the chamber while the Sub-committee members discussed the application.

- ch) After detailed consideration, the Sub-committee decided that the applicant was a suitable person to be granted a hackney/private hire licence and the application was approved. The Sub-committee felt that the crimes were historical and that they had occurred outside the timescales included in the relevant guidelines. The Sub-committee was grateful to the applicant for his willingness to collaborate with the department and to the owner of the company for his support. The applicant was wished well in his new post.

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

The meeting commenced at 10:00am and concluded at 10:30am.