



Complete Agenda

Democratic Service
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

GENERAL LICENSING COMMITTEE

Date and Time

MONDAY, 7TH MARCH, 2016

TO FOLLOW ON FROM CENTRAL LICENSING COMMITTEE

Location

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

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(DISTRIBUTED March 1st 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
Angela Russell
Louise Hughes

Eryl Jones-Williams
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. 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 - 3

The Chairman shall propose that the minutes of the meeting of this Committee, held on 1.12.15 be signed as a true record.

5. LICENSING SUB COMMITTEE MINUTES

4 - 5

Submitted - for information, the minutes of a meeting of the Central Licensing Sub-committee held on:

12.11.15

6. GWYNEDD COUNCIL TAXI POLICY REVIEW

Oral update by Licensing Manager

GENERAL LICENSING COMMITTEE 1/12/15

Present: Eryl Jones-Williams (Chair)
W. Tudor Owen (Vice-Chair)

Councillors: Annwen Daniels, Ann Williams, R. H. Wyn Williams, John Brynmor Hughes, Angela Russell and Elfed Williams

OFFICERS: Geraint Brython Edwards (Solicitor), Lowri Haf Evans (Members and Scrutiny Support Officer), Gareth Jones (Senior Planning and Environment Service Manager) and Sheryl Le Bon Jones (Operational Systems Manager - Public Protection)

1. APOLOGIES

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

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 14 September 2015, as a true record.

5. GENERAL LICENSING SUB-COMMITTEE MINUTES

Submitted, for information, the minutes of the meetings of the General Licensing Sub-committee held on 02.09.15 and 03.11.15.

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**

An oral update from the Licensing Manager was provided on the work of reviewing the licensing policies to create a unified policy. Members were

reminded that in the committee meeting held on 14 September 2015 they had:

- authorised the Head of the Regulatory Department to begin a review of the licensing policies in relation to operators, hackney carriages and private hire vehicles and drivers.
- supported the general direction of Proposals 1 to 5 as a starting point for the review.

It was noted that The Cabinet had agreed with the principles and the need to reconcile the current policies. It was confirmed that the Licensing Unit had begun reviewing the policies and that the research work had already revealed matters that required attention.

One of the matters was the existence of 'by-laws'. It was noted that the current policies had been accepted in 2010, although it was in 2003 that they had been reviewed in their entirety. In the 2003 version, conditions refer to the by-laws, but in the 2010 adaptation there is no reference to these by-laws. By collaborating with the Legal Unit, it was discovered that the by-laws continued to be in existence, and therefore it must be ensured that these match with the policies coherently and correctly. Members were reminded that there must be by-laws in order to ensure conditions for hackney carriage drivers.

Matters arising from the discussion,

- ensuring clarity and control in the context of by-laws
- agreeing that the policies need to be tidied to reduce confusion
- looking at what other Councils are implementing.

An observation was made on the use of 'orange wallets', where it was suggested to include 'training on support for vulnerable / disabled / blind customers' as a taxi driver condition. In response, it was noted that some Councils were already adopting the training as a condition and that it was possible for Gwynedd to consider this as part of the knowledge test that every driver must complete.

In an observation on the possible changes to the Immigration Bill, where an applicant, when making an application for a taxi driver licence, will have to show evidence of his/her right to work in the country and no 'immigration offence,' it was noted that the policies would need to be modified subject to the House of Commons' decision.

RESOLVED

Support the Licensing Unit to continue with their review of the licensing policies by collaborating with the Legal Unit to ensure clarity and control over the by-laws.

That there is a need to adopt 'training on support for vulnerable / disabled / blind customers' as a taxi driver condition and as part of the knowledge test that must be completed.

The Licensing Unit were thanked for their work.

The meeting commenced at 3.00 pm and concluded at 3.30 pm

CHAIRMAN

GENERAL LICENSING SUB COMMITTEE 12/11/15

PRESENT: Councillors: Annwen Hughes, W. Tudor Owen and Angela Russell

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

1. APOLOGIES

The Chairman, Councillor Tudor Owen, welcomed everyone to the meeting. No apologies were received.

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 A HACKNEY/PRIVATE HIRE LICENCE - MR A

- a) The panel and the officers were introduced to everyone present.
- b) 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 noted that the applicant had a clean driving licence since 2011.
- c) The applicant was invited to expand on his application. He submitted two letters which included a reference for him. It was acknowledged that the crimes disclosed were correct. He elaborated that he was looking for work in order to support his family and that he had been offered a job with a local taxi company.
- ch) The applicant withdrew from the room while the Sub-committee members discussed the application.

- d) After detailed consideration, the Sub-committee decided that the applicant was suitable and appropriate to be granted a hackney/private hire licence and the application was approved. The Sub-committee felt that the crimes had occurred outside the timescales included in the relevant guidelines. The applicant was wished well in his new post and he was encouraged to adhere to the rules and continue with a responsible attitude.

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

6. APPLICATION FOR A HACKNEY/PRIVATE HIRE LICENCE - MR B

- a) The panel and the officers were introduced to everyone present.
- b) The Licensing Officer presented the written report on the application received from Mr B for a new hackney/private hire driver's licence. It was noted that a statement of convictions had been submitted, together with information from North Wales Police and the Council's Licensing Unit. The Committee had been requested to consider the application in accordance with the record, and in accordance with the guidance on relevant crimes and convictions.
- c) The applicant was invited to expand on his application. It was acknowledged that the information which had been disclosed was accurate, and he further confirmed that the court case was not progressing. He explained that he wanted to continue as a taxi driver, and the reason he had not renewed his licence was due to the fact that the correspondence had been sent to a different address. He noted that he had been offered a job with a local taxi company and that he was volunteering in the meantime.
- ch) The Owner of the Taxi Company supported Mr B's application, and he confirmed that the applicant had worked for him for six years and that he had been discharged as a driver as he had not renewed his licence. It was noted that the applicant was a very reliable individual and that a post was available for Mr B should the licence be approved.
- d) The applicant and the owner of the Taxi Company withdrew from the room while the Sub-committee members discussed the application.
- dd) Having considered the evidence in detail, the Sub-committee decided to defer consideration of the application. Under the circumstances, and in line with paragraph 14.1 of the Licensing Policy for Hackney Carriages and Private Hire, the Sub-committee decided to defer consideration of the application until any prosecution case regarding the above allegations had come to an end.

RESOLVED to defer consideration of Mr B's application for a hackney/private hire driver's licence.

7. APPLICATION FOR A HACKNEY/PRIVATE HIRE LICENCE - MR C

- a) The panel and the officers were introduced to everyone present.
- b) The Licensing Officer presented the written report on the application received from Mr C for a new hackney/private hire driver's licence. It was noted that a

statement of convictions had been submitted which included several offences relevant to the licensing field together with additional information from Isle of Anglesey County Council. It was highlighted that the Licensing Unit's recommendation had been that Mr C was not suitable to be considered as a hackney carriage / private hire driver in Gwynedd at present.

The Committee had been requested to consider the application in accordance with the record, and in accordance with the guidance on relevant crimes and convictions.

- c) The applicant was invited to expand on his application. It was acknowledged that the information disclosed was accurate. He expanded on his application and noted that he wished to work as a taxi driver in Gwynedd as one day of work with Anglesey was not sufficient.
- ch) The applicant withdrew from the room while the Sub-committee members discussed the application.
- d) After detailed consideration, the Sub-committee decided that the applicant did not meet the requirements of a suitable individual to be licensed as a hackney carriage / private hire driver in Gwynedd, as some of the convictions remained within the relevant guideline period.

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

The Solicitor reported that the decision would be formally confirmed via a letter, and he notified the applicant of his right to appeal the decision within 21 days of receiving that letter.

The meeting commenced at 2.00 pm and concluded at 4.30 pm

CHAIRMAN