



# Complete Agenda

Democratic Services  
Swyddfa'r Cyngor  
CAERNARFON  
Gwynedd  
LL55 1SH

Meeting

**GENERAL LICENSING COMMITTEE**

Date and Time

**10.00 am, MONDAY, 15TH MARCH, 2021**

Location

**Virtual Meeting**

Contact Point

**Lowri Haf Evans**

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(DISTRIBUTED Friday, 5 March 2021)

# **GENERAL LICENSING COMMITTEE**

## **MEMBERSHIP (15)**

### **Plaid Cymru (8)**

Councillors

Steve Collings  
Dafydd Owen  
Elfed Williams  
W. Gareth Roberts

Annwen Hughes  
Edgar Wyn Owen  
Gareth Tudor Morris Jones  
Elin Walker Jones

### **Independent (4)**

Councillors

John Brynmor Hughes  
Jason Wayne Parry

Eryl Jones-Williams  
Angela Russell

### **Llais Gwynedd (1)**

Councillor Gareth Williams

### **Individual Member (2)**

Councillor W Roy Owen  
Vacant Seat - Individual Member

### **Ex-officio Members**

Chair and Vice-Chair of the Council

# **A G E N D A**

## **1. ELECT CHAIR**

To elect Chair for 2020/21

## **2. ELECT VICE CHAIR**

To elect vice chair for 2020/21

## **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**

5 - 6

The Chairman shall propose that the minutes of the meeting of this Committee, held on 2<sup>nd</sup> December 2019 be signed as a true record.

## **7. GENERAL LICENSING SUB-COMMITTEE MINUTES**

7 - 44

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

1. 26-01-2021
2. 08-12-2020
3. 22-10-2020
4. 06-10-2020
5. 09-07-2020
6. 09-03-2020
7. 12-02-2020
8. 18-12-2019
9. 21-11-2019

## **8. PROPOSED TAXI LICENCE FEES 2021/22**

45 - 51

To consider the report and approve proposed fees prior to public consultation



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## GENERAL LICENSING COMMITTEE, 12.02.19

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**Present:** Councillors Annwen Hughes, John Brynmor Hughes, Gareth Jones, Eryl Jones-Williams, Dafydd Owen, Edgar Wyn Owen, Roy Owen, Jason Wayne Parry, Peter Read, W. Gareth Roberts, Elfed W. Williams (Chair) and Gareth Williams.

**Also in Attendance:** Gareth Jones (Assistant Head - Planning and Environment), Gwenan Mai Roberts (Licensing Manager), and Lowri Haf Evans (Democratic Services Officer)

### 1. APOLOGIES

Apologies were received from Councillor Angela Russell.

Councillor W. Gareth Roberts was welcomed as a new member to the General Licensing Committee.

### 2. DECLARATION OF PERSONAL INTEREST

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

### 3. URGENT ITEMS

None to note

### 4. MINUTES OF THE PREVIOUS MEETING

The Chair signed the minutes of a meeting of this Committee, that took place on 9 September 2019, as a true record.

### 5. MINUTES OF THE LICENSING SUB-COMMITTEES

Accepted, for information, the minutes of the Sub-committee held on 1st of August 2019, 18 September 2019, 20 September 2019 and 7 October 2019

### 6. DELEGATION OF RIGHTS TO DETERMINE APPLICATIONS FOR TAXI LICENCES.

A report was submitted by the Head of Environment requesting the Committee to support the principle of reviewing the current delegation scheme. It was explained that the Council, as a Licensing Authority had a duty under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 to licence private hire and hackney vehicle drivers, vehicles and operators. It was added that the Licensing Authority was required to ensure that an individual applying for a driver's/operator's licence, or applying for the renewal of such a licence, was a 'fit and proper' person to hold that licence. Members were reminded that the main purpose of licensing vehicles, operators and drivers was to safeguard public health. This was the priority the Council considered when adopting a specific procedure to try and address this.

Attention was drawn to the Constitution's wording that sets out a specific procedure in terms of which decisions are delegated to officers; and which decisions fall under the Sub-committee's responsibility together with the delegated rights given to the Head of Environment who authorises officers on his behalf.

In discussing the current procedure, it was noted that the Sub-committee's decisions were resilient as each applicant received a fair hearing. Every applicant was given an opportunity to give the background to the crimes and the Licensing Officer's report and recommendation as well as the evidence submitted ensure that the Sub-committee has all the evidence and information necessary to reach a decision. The applicant receives a full oral and written explanation of the reasoning behind the decision by the Solicitor.

Members' attention was drawn to the four initial options proposed by the Head of Environment. It was highlighted that the arrangement to delegate decisions varied from Council to Council, but in terms of Gwynedd Council it was outlined that the Sub-committee had an important role in considering and reaching decisions regarding licences, but it seemed that the challenge lies in defining the circumstances in which an application should be referred to the Sub-committee.

It was proposed and seconded to consider to review the current delegation plan and give the Licensing Service the right, in consultation with the Legal Department to make further enquiries into the initial options.

Observations arising from the ensuing discussion:

- It was accepted that some applicants had to wait a long time for a decision
- That some determinations were easy to delegate.
- That an unnecessary workload was being created by the current system.
- That the Sub-committee was willing to take the load rather than place too much responsibility on an officer.
- It was time to modernise and review the procedure.
- That conduct had to be considered if there was no conviction.

The Solicitor added that the wording of the options in the report were too general and specific, definitive and detailed wording was required for the final options.

#### **RESOLVED:**

- **To accept the report**
- **support the principle of reviewing the current delegation scheme**
- **Consider the initial options and give approval for the Licensing Service, in consultation with the Legal Service, to look in greater detail at the options - or a combination of the options - and to report back to the Committee with final options and the preferred option before the end of March 2020.**

The meeting commenced at 10:00am and concluded at 10:50am.

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## GENERAL LICENSING SUB-COMMITTEE 26-01-21

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**Present:** Councillor Anwen Hughes (Chair), Councillors Gareth Jones and Edgar Owen

**Officers:** Geraint Brython Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democratic Services Officer)

### 1. APOLOGIES

None to note

### 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

It was **RESOLVED** to exclude the press and public from the meeting during the discussion on the following items due to 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 applied as the individuals in question were entitled to privacy and there was no overriding public interest that required the disclosure of personal information relating to those individuals, or their identities. Consequently, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

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

a) The Chair welcomed everyone to the meeting. He explained that the decision would be made in accordance with Gwynedd Council's licensing policy. It was noted that the purpose of the policy was to set guidelines for the criteria when considering the applicant's application, with the aim of protecting the public by ensuring that:

- The person is a fit and proper person
- The person does not pose a threat to the public
- The public are safeguarded from dishonest persons
- Children and young people are protected
- Vulnerable persons are protected
- The public have confidence in using licensed vehicles.

The Licensing Officer presented a written report on an application received from Mr A for a hackney carriage/private hire driver's licence. The Sub-committee was requested to consider the application in accordance with the DBS record, the guidelines on criminal offences and relevant convictions. It was highlighted that the applicant had not stated that he had any previous convictions on his application form and it was suggested that he should expand on this. The Licensing Authority recommended that the Sub-committee should approve the application.

The applicant was invited to expand on the application and provide information about the background of the offences and his personal circumstances. He explained that the

incident in 2018 had occurred on private land and he had received advice that there was no need to report the accident. He added that the Council's Health and Safety Unit and the Post Office Health and Safety Unit at Cibyn, Caernarfon had recorded the incident. He highlighted that if his application was successful then he would run a Taxi company.

b) **RESOLVED that the applicant was a fit and proper person to be issued with a hackney /private hire vehicle driver's licence from Gwynedd Council.**

c) In reaching its decision, the Sub-committee considered the following:

- The requirements of 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire Vehicles'
- the applicant's application form
- the Licensing Department's report and the DBS statement
- the applicant's verbal representations
- The Driver and Vehicle Licensing Agency's guidelines

ch) Specific consideration was given to the following matters

In July 1980, the applicant was found guilty by Caernarfon and Gwyrfai Magistrates Court for one charge of assault that caused actual bodily harm contrary to s47 of the Offences Against the Person Act 1861. He received a fine of £20:00

In June 2018, the applicant was found guilty by North East Wales Magistrates Court for one charge of failing to report an accident, contrary to s170 (4) of the Road Traffic Act 1988. He received a fine of £325.00 and an endorsement on his driving licence.

Paragraph 2.2 of the Council's Policy was considered, which states that a person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to remain free of any conviction for an appropriate period as stated in the Policy, and to show evidence that the individual is a fit and proper person to hold a licence. The onus was on the applicant to prove that he was a fit and proper person. Paragraph 2.4 of the policy notes that when an applicant has a conviction(s) or other related matter(s) to be considered, the Council cannot review the merits of the conviction or other matter.

Paragraph 4.5 was considered which states that the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 allows the Sub-committee to take into account all convictions recorded against an applicant, whether spent or otherwise under the 1974 Act.

Paragraph 6.0 of the Policy addresses violent offences. Paragraph 6.1 states that, since licensed drivers come into close contact regularly with the public, the sub-committee shall adopt a firm stance towards those who have offences involving violence. Paragraph 6.5 of the Policy states that an application for a licence will usually be refused if the applicant has a matter to be considered for common assault and/or criminal damage and/or an offence under the Public Order Act 1986 which happened less than three years before the date of application.

Section 12 of the Policy relates to driving convictions, and paragraph 12.2 lists major traffic offences for the purposes of the Policy. Amongst the offences is AC20 (failure to give details or report an accident within 24 hours). Paragraph 12.3 states that an application will be refused if there is a conviction against the applicant and he/she has not been free of the conviction for at least six months.

- d) The Sub-committee came to the conclusion that the July 1980 conviction was a violent offence, however, as the conviction occurred over 40 years ago (which is beyond the period of three years), paragraph 6.5 was irrelevant, and there was no reason to refuse the application.

The Sub-committee came to the conclusion that the conviction in June 2018 was a serious traffic-related offence, however, as the conviction had occurred 2 years ago and the applicant had been free of conviction for at least 6 months, paragraph 12.3 was irrelevant and, therefore, there was no basis to refuse the application.

- e) Having carefully considered the evidence and information, the Sub-committee was in favour of approving the application and it was determined that the applicant was a fit and proper person to hold a hackney and private hire vehicle driver's licence.

The Solicitor reported that the decision would be confirmed formally by letter to the applicant.

The meeting commenced at 10.00 and concluded at 10.30.

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## GENERAL LICENSING SUB-COMMITTEE 08.12.2020

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**Present:** Councillor Elfed Williams (Chair), Councillors Dafydd Owen and Gareth Williams

**Officers:** Geraint Brython Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democratic Services Officer)

### 1. APOLOGIES

None to note

### 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

It was **RESOLVED** to exclude the press and public from the meeting during the discussion on the following items due to 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 applied as the individuals in question were entitled to privacy and there was no overriding public interest that required the disclosure of personal information relating to those individuals, or their identities. Consequently, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

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

a) The Chair welcomed everyone to the meeting. He explained that the decision would be made in accordance with Gwynedd Council's licensing policy. It was noted that the purpose of the policy was to set guidelines for the criteria when considering the applicant's application, with the aim of protecting the public by ensuring that:

- The person is a fit and proper person
- The person does not pose a threat to the public
- The public are safeguarded from dishonest persons
- Children and young people are protected
- Vulnerable persons are protected
- The public have confidence in using licensed vehicles.

The Licensing Officer presented a written report on an application received from Mr A for a hackney carriage/private hire driver's licence. The Sub-committee was requested to consider the application in accordance with the DBS record, the guidelines on criminal offences and relevant convictions. The Licensing Authority recommended that the Sub-committee should approve the application.

The applicant's representative (his prospective employer) was invited to expand on Mr A's application and provide information about the background of the convictions and his personal circumstances. He explained that the incidents that were recorded on the DBS were historical. It was noted that Mr A had been working as a courier for a number of years

and that he now wished to change direction. It was also noted, in cases where there were historical convictions, that Gwynedd Council's Licensing Policy needed to be reviewed.

b) **RESOLVED that the applicant was a fit and proper person to be issued with a hackney /private hire vehicle driver's licence from Gwynedd Council.**

c) In reaching its decision, the Sub-committee considered the following:

- The requirements of 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire Vehicles'
- the applicant's application form
- the Licensing Department's report and the DBS statement
- the verbal representations from the applicant's prospective employer
- The Driver and Vehicle Licensing Agency's guidelines

ch) Specific consideration was given to the following matters:

In June 1985, the applicant was found guilty by Bangor Magistrates Court on three charges of theft, contrary to s1 Theft Act 1968. He received community service orders of 300 hours for these convictions.

Paragraph 2.2 of the Council's Policy was considered, which states that a person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to remain free of any conviction for an appropriate period as stated in the Policy, and to show evidence that the individual is a fit and proper person to hold a licence. The onus was on the applicant to prove that he was a fit and proper person. Paragraph 2.4 of the policy notes that when an applicant has a conviction(s) or other related matter(s) to be considered, the Council cannot review the merits of the conviction or other matter.

Paragraph 4.5 was considered which states that the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 allows the Sub-committee to take into account all convictions recorded against an applicant, whether spent or otherwise under the 1974 Act.

Paragraph 8.0 of the Policy, which deals with dishonesty offences, was considered together with paragraph 8.1 that states that a serious view should be taken of any conviction involving dishonesty. Paragraph 8.2 notes that an application would normally be refused where the applicant has a conviction for a listed offence, and that the conviction was received less than three years prior to the date of the application. It was noted that the list of offences included burglary, amongst other offences.

d) The Sub-committee came to the conclusion that the conviction in June 1985 was an offence of dishonesty; however, as these convictions had occurred over 35 years ago, paragraph 8.2 was irrelevant and, therefore, there was no basis to refuse the application.

Having carefully considered the evidence and information, the Sub-committee was in favour of approving the application and it was determined that the applicant was a fit and proper person to hold a hackney and private hire vehicle driver's licence.

The Solicitor reported that the decision would be confirmed formally by letter to the applicant.

## **6. APPLICATION FOR A HACKNEY/PRIVATE HIRE DRIVER'S LICENCE - Mr B**

a) The Chair welcomed everyone to the meeting. He explained that the decision would be made in accordance with Gwynedd Council's licensing policy. It was noted that the purpose

of the policy was to set guidelines for the criteria when considering the applicant's application, with the aim of protecting the public by ensuring that:

- The person is a fit and proper person
- The person does not pose a threat to the public
- The public are safeguarded from dishonest persons
- Children and young people are protected
- Vulnerable persons are protected
- The public have confidence in using licensed vehicles.

The Licensing Manager submitted the written report on the application received from Mr B for a hackney/private hire driver's licence. The Sub-committee was requested to consider the application in accordance with the DBS record, the guidelines on criminal offences and relevant convictions. The Licensing Authority recommended that the Sub-committee should approve the application.

The applicant was invited to expand on the application and provide information about the background of the offences and his personal circumstances. He explained that the incidents that were recorded on the DBS were historical. It was noted that Mr B, when he was young, had mixed with the wrong crowd, that his convictions were spent, and that he had been free from any offences for 37 years.

b) **RESOLVED that the applicant was a fit and proper person to be issued with a hackney vehicle/private hire driver's licence from Gwynedd Council.**

c) In reaching its decision, the Sub-committee considered the following:

- The requirements of 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire Vehicles'
- the applicant's application form
- the Licensing Department's report and the DBS statement
- verbal observations by the applicant
- The Driver and Vehicle Licensing Agency's guidelines

ch) Specific consideration was given to the following matters:

In September 1972, the applicant was found guilty by Tywyn Magistrates Court for criminal damage contrary to s1 Criminal Damages Act 1971. He received a fine of £100.00 and was ordered to pay damages of £13.00.

In October 1972, the applicant was found guilty by Tywyn Magistrates Court for common assault contrary to s42, 47 Offences Against the Person Act 1861, and possession of an offensive weapon contrary to s1 Prevention of Crime Act 1953. He received a conditional discharge and his weapon was confiscated.

In October 1975, the applicant was found guilty by Tywyn Magistrates Court for a series of 12 charges. Two charges relating to making threatening telephone calls (contrary to s78 Post Office Act 1969): One charge of posting an article on Post Office property (contrary to s61 Post Office Act 1969): one charge of causing criminal damage (contrary to s1 of the Criminal Damage Act 1971): four charges of carrying an air gun in a public place (contrary to s19 Firearms Act 1968): One charge of using threatening / aggressive / insulting language (contrary to the s5 Public Order Act 1936): Three charges of firing a weapon within 50 metres of a highway (contrary to s161 Highways Act 1980). He received orders, fines and costs, and was sentenced to three months in a detention centre.

In September 1982 the applicant was convicted by Tywyn Crown Court on a charge of inflicting injury to a person through a serious physical attack contrary to s20 Offences Against the Person Act 1861. He received a six-month prison sentence (suspended for two years), a fine of £100.00 and ordered to pay costs of £3.00.

In September 1983, the applicant was found guilty by Tywyn Magistrates Court of wasting Police time (contrary to s5(2) Criminal Law Act 1967) and for the use of threatening / abusive / insulting language (contrary to s5(1) (a) Public Order Act 1986). He received a fine of £300.00 and was ordered to pay costs of £3.00.

Paragraph 2.2 of the Council's Policy was considered, which states that a person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to remain free of any conviction for an appropriate period as stated in the Policy, and to show evidence that the individual is a fit and proper person to hold a licence. The onus was on the applicant to prove that he was a fit and proper person. Paragraph 2.4 of the policy notes that when an applicant has a conviction(s) or other matter(s) to be considered for a criminal offence, the Council cannot review the merits of the conviction or other matter.

Paragraph 4.5 was considered which states that the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 allows the Sub-committee to take into account all convictions recorded against an applicant, whether spent or otherwise under the 1974 Act.

Paragraph 6.0 of the Policy addresses violent offences. Paragraph 6.1 states that, since licensed drivers come into close contact regularly with the public, the sub-committee shall adopt a firm stance towards those who have offences involving violence. Paragraph 6.4 of the Policy states that an application for a licence will usually be refused if the applicant has a matter to be considered for serious common assault with intention and/or a firearm in their possession, that is less than ten years prior to the date of the application. Paragraph 6.5 of the Policy states that an application for a licence will usually be refused if the applicant has a matter to be considered for common assault and/or criminal damage and/or an offence under the Public Order Act 1986 which happened less than three years before the date of application. Paragraph 6.6 of the Policy states that an application will normally be refused if an applicant has more than one conviction for an offence of a violent nature within the last ten years.

- d) The Sub-committee came to the conclusion that all the convictions listed above were violence-related, however, as the last conviction dated from 1983, 37 years ago, paragraphs 6.4, 6.5 and 6.6 were irrelevant and, therefore, there was no reason to refuse the application.

Having carefully considered the evidence and information, the Sub-committee was in favour of approving the application and it was determined that the applicant was a fit and proper person to hold a hackney and private hire vehicle driver's licence.

The Solicitor reported that the decision would be confirmed formally by letter to the applicant.

The meeting commenced at 14:00 and concluded at 15:10

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## GENERAL LICENSING SUB-COMMITTEE 22.10.2020

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

**Officers:** Geraint Brython Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democratic Services Officer)

### 1. APOLOGIES

None to note

### 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

It was **RESOLVED** to exclude the press and public from the meeting during the discussion on the following items due to 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 applied as the individuals in question were entitled to privacy and there was no overriding public interest that required the disclosure of personal information relating to those individuals, or their identities. Consequently, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

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

a) The Chair welcomed everyone to the meeting. He explained that the decision would be made in accordance with Gwynedd Council's licensing policy. It was noted that the purpose of the policy was to set guidelines for the criteria when considering the applicant's application, with the aim of protecting the public by ensuring that:

- The person is a fit and proper person
- The person does not pose a threat to the public
- The public are safeguarded from dishonest persons
- Children and young people are protected
- Vulnerable persons are protected
- The public have confidence in using licensed vehicles.

The Licensing Officer presented a written report on an application received from Mr A for a hackney carriage/private hire driver's licence. The Sub-committee was requested to consider the application in accordance with the DBS record, the guidelines on criminal offences and relevant convictions. The Licensing Authority recommended that the Sub-committee should approve the application.

The applicant was invited to expand on the application and provide information about the background of the convictions and his personal circumstances. The applicant explained that the incidents recorded on the DBS were historical and that he now had a family and

was an experienced HGV and PSV driver. His intention was to establish a business for his sons.

b) **RESOLVED that the applicant was a fit and proper person to be issued with a hackney carriage/private hire vehicle driver's licence from Gwynedd Council.**

c) In reaching its decision, the Sub-committee considered the following:

- the requirements of 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire Vehicles'
- the applicant's application form
- the applicant's medical certificate
- the Licensing Department's report and the DBS statement
- the applicant's verbal representations

ch) Specific consideration was given to the following matters

In May 1991 the applicant was found guilty by Bangor Magistrates Court for a charge of criminal damage (contrary to s1 of the Criminal Damages Act 1971), obtaining money through deception (contrary to s15 of the Theft Act 1968) and theft (contrary to s1 of the Theft Act 1968). He received total fines of £275, and was ordered to pay £53.00 in damages and costs of £15 for obtaining money through deception.

In December 1991, the applicant received a conviction from Caernarfon Magistrates' Court for a charge of criminal damage contrary to s1 of the Criminal Damage Act 1971. He received a fine of £100 and was ordered to pay damages of £276.91.

In May 1998, the applicant was found guilty by Caernarfon Magistrates Court on a charge of serious / aggravated burglary contrary to s10 of the Theft Act 1968. The applicant received a three year prison sentence.

In August 2000, the applicant was found guilty by Aberconwy Magistrates' Court of failure to provide a test sample contrary to s7 of the Road Traffic Act 1988. He received a fine of £200, an order to pay costs of £35 and was disqualified from driving for 20 months with an option to reduce the penalty period by 25% by completing a course by September 2001.

In October 2001 the applicant was found guilty by Denbighshire Magistrates' Court for using a vehicle without insurance, contrary to s143 of the Road Traffic Act 1988 and driving while disqualified, contrary to s103 of the Road Traffic Act 1988. He did not receive a penalty for using a vehicle without insurance but he received a community penalty order for 80 hours, an order to pay costs of £55, and was banned from driving for 12 months for driving while disqualified.

Paragraph 2.2 of the Council's Policy was considered, which states that a person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to remain free of any conviction for an appropriate period as stated in the Policy, and to show evidence that the individual is a fit and proper person to hold a licence. The onus was on the applicant to prove that he was a fit and proper person.

Paragraph 4.5 was considered which states that the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 allows the Sub-committee to take into account all convictions recorded against an applicant, whether spent or otherwise under the 1974 Act.

Paragraph 6.0 of the Policy addresses violent offences. Paragraph 6.1 states that, since licensed drivers come into close contact regularly with the public, the sub-committee shall

adopt a firm stance towards those who have violence-related offences. Paragraph 6.6 of the Policy states that an application will normally be refused if an applicant has more than one conviction for an offence of a violent nature within the last ten years.

Paragraph 8.0 of the Policy, which deals with dishonesty offences, was considered together with paragraph 8.1 that states that a serious view shall be taken of any conviction involving dishonesty. Paragraph 8.2 notes that an application would normally be refused where the applicant has a conviction for a listed offence, and that the conviction was received less than three years prior to the date of the application. It was noted that the list of offences included burglary and obtaining property by deception, amongst other offences.

Paragraph 11.0 which addressed drink-driving offences, was considered. In paragraph 11.1, it was noted that a serious view would be taken of convictions for driving or being responsible for a vehicle under the influence of alcohol / drugs. Anyone who had been found guilty of offences relating to drink-driving was unlikely to receive a licence until they had been free from a conviction(s) for at least three years. A conviction for 'refusing or failing to provide a sample' is dealt with in the same manner.

Section 12 of the Policy relates to driving convictions, and paragraph 12.2 lists major traffic offences for the purposes of the Policy. Amongst the offences were BA10 (driving while disqualified under a Court order) and IN10 (use of an uninsured vehicle). It is noted that an application will normally be refused (12.10) where the applicant has a recent conviction resulting in a period of disqualification of 12 months or more, unless a period of at least 18 months has elapsed from the end of the disqualification period.

- d) The Sub-committee concluded that the convictions in May and December 1991 were violence-related offences. However, since the last offence had occurred over ten years ago, paragraph 6.6 was irrelevant, and there were no grounds to refuse the application.

The Sub-committee came to the conclusion that the convictions and charges in May 1991 and September 1998 were offences of dishonesty, however, as these convictions had occurred over three years ago, paragraph 8.2 was irrelevant and, therefore, there was no basis to refuse the application.

The Sub-committee came to the conclusion that paragraph 11.1 was irrelevant in relation to the August 2000 conviction as the conviction was more than three years old. In terms of the October 2001 conviction (for two traffic offences), the Sub-Committee found that the charges were serious traffic offences, however, as the driving disqualifications had ended more than 18 months ago, the Sub-committee was of the view that paragraph 12.10 was not grounds to refuse the application.

Having carefully considered the evidence and information, the Sub-committee was in favour of approving the application and it was determined that the applicant was a fit and proper person to hold a hackney and private hire vehicle driver's licence.

The Solicitor reported that the decision would be confirmed formally by letter to the applicant.

The meeting commenced at 14:00 and concluded at 14:50

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## GENERAL LICENSING SUB-COMMITTEE 06.10.2020

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**Present:** Councillor Elfed Williams (Chair), Councillors Angela Russell and Gareth T M Jones

**Officers:** Geraint Brython Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democratic Services Officer)

### 1. APOLOGIES

None to note

### 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

It was **RESOLVED** to exclude the press and public from the meeting during the discussion on the following items due to 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 applied as the individuals in question were entitled to privacy and there was no overriding public interest that required the disclosure of personal information relating to those individuals, or their identities. Consequently, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

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

a) The Chair welcomed everyone to the meeting. He explained that the decision would be made in accordance with Gwynedd Council's licensing policy. It was noted that the purpose of the policy was to set guidelines for the criteria when considering the applicant's application, with the aim of protecting the public by ensuring that:

- The person is a fit and proper person
- The person does not pose a threat to the public
- The public are safeguarded from dishonest persons
- Children and young people are protected
- Vulnerable persons are protected
- The public have confidence in using licensed vehicles.

The Licensing Officer presented a written report on an application received from Mr A for a hackney carriage/private hire driver's licence. The Sub-committee was requested to consider the application in accordance with the DBS record, the guidelines on criminal offences and relevant convictions. The Licensing Authority recommended that the Sub-committee should approve the application.

The applicant was invited to expand on the application and provide information about the background of the offences and his personal circumstances. The applicant explained that the incidents that were recorded on the DBS were historical incidents and that he had now

matured, changed his behaviour and was now a parent. He added that he had been offered a job as a taxi driver should his application be approved.

b) **RESOLVED that the applicant was a fit and proper person to be issued with a hackney/private hire vehicle driver's licence from Gwynedd Council.**

c) In reaching its decision, the Sub-committee had considered the following:

- The requirements of 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire Vehicles'
- the applicant's application form
- the licensing department's report and the DBS statement
- the report of the Driver and Vehicle Licensing Agency
- the applicant's verbal representations

ch) Specific consideration was given to the following matters

In October 2010, the applicant was found guilty by Gwynedd Magistrates Court of disorderly behaviour or the use of threatening / abusive / insulting language likely to cause harassment, alarm or distress contrary to s5 (1) (A) of the Public Order Act 1986. He received a conditional discharge for 12 months and an order to pay costs of £85.00. In March 2011, the applicant was found guilty by Gwynedd Magistrates Court of common assault contrary to s39 of the Criminal Justice Act 1988. He was given a community order of six months, a two month curfew with an electronic tag to remain at an address in the Barmouth area every day between 19:00 and 07:00 and an order to pay costs of £85.00.

In September 2019, he received three penalty points for a speeding incident. The applicant verbally confirmed that details on the licence (provided by the Driver and Vehicle Licensing Agency) were accurate and that he had been issued with a fixed penalty notice from the Police for this incident. He also confirmed that he had been speeding in a further incident on an unspecified date, but that he had attended a speed awareness course in relation to the incident in question.

Paragraph 2.2 of the Council's Policy was considered, which states that a person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to remain free of any conviction for an appropriate period as stated in the Policy, and to show evidence that the individual is a fit and proper person to hold a licence. The onus was on the applicant to prove that he was a fit and proper person. Paragraph 2.3 of the Policy confirmed that "other matters to be considered" included cautions. Paragraph 2.4 of the Policy notes that when an applicant has a conviction(s) or other matter(s) to be considered for a criminal offence, the Council cannot review the merits of the conviction or other matter.

Paragraph 4.5 was considered which states that the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 allows the Sub-committee to take into account all convictions recorded against an applicant, whether spent or otherwise under the 1974 Act.

Paragraph 6.0 of the Policy addresses violent offences. Paragraph 6.1 states that, since licensed drivers come into close contact regularly with the public, the sub-committee shall adopt a firm stance towards those who have offences involving violence. Paragraph 6.5 of the Policy states that an application for a licence will usually be refused if the applicant has a matter to be considered for common assault that is less than three years prior to the date of the application along with a conviction under Section 5 of the Public Order Act 1986. Paragraph 6.6 of the Policy states that an application will normally be refused if an applicant has more than one conviction for an offence of a violent nature within the last ten years.

Section 13 relates to minor traffic offences and mainly refer to offences that are not listed in paragraph 12.2 of the Policy. Paragraph 13.2 was considered which highlighted that one conviction for a minor driving offence could lead to an application being refused. It is noted in paragraph 13.3 that more than one conviction for a minor driving offence or another matter to be considered could lead to an application being refused, especially if there are several convictions or other matters to be considered for the same offence, e.g. speeding.

- d) The Sub-committee determined that the speeding incidents amounted to minor traffic offences. Although the Policy approved the refusal of the application under these circumstances, the Sub-committee was of the opinion that the applicant had not been convicted and that he had attended a speed awareness course for one incident, and that the speeding incidents should not be a reason for refusing the application.

The Sub-committee concluded that the convictions in October 2010 and March 2011 were violence-related offences. Although the applicant was convicted, both cases had occurred over three years ago and, therefore, were not a reason to refuse the application under paragraph 6.5. However, with two convictions for violence-related offences occurring within 10 years of the application, the Sub-committee had to consider refusing the application under paragraph 6.6.

The Solicitor highlighted that the Policy's provisions were not mandatory and that the Sub-committee could deviate from the recommendations if the facts of the case justified that. Particular consideration was given to paragraph 5.1 of the report which addressed the seriousness of the offences, their relevance, the date they were committed, the date of conviction and the applicant's age at the time of conviction, the sentence given by the Court and whether the offences related to a pattern of offending, as well as any other relevant factors.

The Sub-committee gave specific consideration to the fact that, on the date of the hearing, the conviction in October 2010, was three weeks short from the 10 year period. The conviction in March 2011 had also occurred over 9 years ago. Should the hearing for this application be held three weeks in future, no considerations would be given to paragraph 6.6. Also, it was added that although the applicant had offended in the past, he had now matured and evidence of this could be seen in the DBS record and a clean slate had been maintained for nearly a decade.

Having carefully weighed up the evidence and the information, the Sub-committee was willing to deviate from the presumption in favour of refusing the application in this case and it was resolved that the applicant was a fit and proper person to hold a hackney and private hire vehicle driver's licence. The applicant was encouraged to accept the opportunity and to reduce his speed and drive responsibly.

The Solicitor reported that the decision would be confirmed formally by letter to the applicant.

The meeting commenced at 11.00am and concluded at 11.55am.

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## GENERAL LICENSING SUB-COMMITTEE 09.07.2020

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**Present:** Councillor Elfed Williams (Chair), Councillors Annwen Hughes and Edgar Owen

**Officers:** Geraint Brython Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democratic Services Officer)

### 1. APOLOGIES

None to note

### 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

It was **RESOLVED** to exclude the press and public from the meeting during the discussion on the following items due to 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 applied as the individuals in question were entitled to privacy and there was no overriding public interest that required the disclosure of personal information relating to those individuals, or their identities. Consequently, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

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

a) The Chair welcomed everyone to the meeting. He explained that the decision would be made in accordance with Gwynedd Council's licensing policy. It was noted that the purpose of the policy was to set guidelines for the criteria when considering the applicant's application, with the aim of protecting the public by ensuring that:

- The person is a fit and proper person
- The person does not pose a threat to the public
- The public are safeguarded from dishonest persons
- Children and young people are protected
- Vulnerable persons are protected
- The public have confidence in using licensed vehicles.

The Licensing Officer presented a written report on an application received from Mr A for a hackney carriage/private hire driver's licence. The Sub-committee was requested to consider the application in accordance with the DBS record, the guidelines on criminal offences and relevant convictions. The Licensing Authority had recommended that the Sub-committee should refuse the application.

The applicant and his prospective employer were invited to expand on the application and provide information about the background of the convictions and the applicant's personal circumstances. The applicant's prospective employer explained that the incidents that were recorded on the DBS were historical incidents that had occurred when Mr A went through a

difficult period as a teenager. He added that he was aware of his background and that he had discussed the matter with the applicant's other employer and had been provided with a reference, and that he was willing to give him a chance.

b) **RESOLVED that the applicant was a fit and proper person to be issued with a hackney /private hire vehicle driver's licence from Gwynedd Council.**

c) In reaching its decision, the Sub-committee had considered the following:

- The requirements of 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire Vehicles'
- the applicant's application form
- the Licensing Department's report and the DBS statement
- the applicant and his prospective employer's verbal representations

ch) Specific consideration was given to the following matters

In April 1999, the applicant was found guilty by Tameside Magistrates Court on three charges: taking a vehicle without permission (contrary to s12 (1) Theft Act 1968); driving contrary to the conditions of a driving licence (contrary to s87 (1) Road Traffic Act 1988) and using a vehicle without insurance (contrary to s143 (2) Road Traffic Act 1988). He received a conditional discharge for 12 months, a 7-point endorsement on his licence and an order to pay costs of £55.00.

In May 2001 the applicant was found guilty by Mold Magistrates Court on a charge of destroying or damaging property (contrary to s1 (1) Criminal Damages Act 1971). He received a fine of £50.00, an order to pay costs of £40.00 and damages of £50.00.

In February 2003 he was found guilty by Conwy Magistrates Court on two charges of using a vehicle without insurance, (contrary to s143 (2) Road Traffic Act 1988) and driving while disqualified (contrary to s103 (1) (B) Road Traffic Act 1988). He received a community penalty order of 120 hours, a fine of £50.00, an order to pay costs of £30.00 and a 6-point endorsement on his licence.

In August 2003 he was found guilty by Denbighshire Magistrates Court on two charges of using a vehicle without insurance, (contrary to s143 (2) Road Traffic Act 1988) and driving while disqualified (contrary to s103 (1) (B) Road Traffic Act 1988). He received a community rehabilitation order for 18 months, a community penalty order of 100 hours, a driving disqualification until he passed an extended test, and an order to pay costs of £35.00. The order was revoked in September 2004 as a result of good progress.

In January 2005 he was found guilty by Conwy Magistrates Court on three charges of driving while disqualified (contrary to s103 (1) (B) Road Traffic Act 1988), using a vehicle without insurance, (contrary to s143 (2) Road Traffic Act 1988) and possession of an offensive weapon in a public place (contrary to s1 Prevention of Crime Act 1953). He received a community rehabilitation order for two years, a community penalty order of 100 hours, a curfew order for six months, an order to pay costs of £55.00 and was disqualified from driving until he passed an extended test. For possessing an offensive weapon he received a community rehabilitation order for two years, a community penalty order of 100 hours, disposal of the hockey stick, and a six-month curfew order.

In February 2005 he was found guilty by Conwy Magistrates Court on two charges of using a vehicle without insurance, (contrary to s143 (2) Road Traffic Act 1988) and driving when disqualified (contrary to s103 (1) (B) Road Traffic Act 1988). He was imprisoned for six weeks and received a six-point endorsement on his licence.

In August 2005 he was found guilty by Tameside Magistrates Court on four charges (two individual occasions) - two charges of driving while disqualified (contrary to s103 (1) (B) Road Traffic Act 1988), and two charges of using a vehicle without insurance, (contrary to s143 (2) Road Traffic Act 1988). He received a five month suspended sentence and an endorsement on his licence. For driving while disqualified he received a further five-month sentence, suspended for 18 months. He also received a supervision order for 12 months, a two-year driving ban, and an endorsement on his driving licence.

In September 2008 he was found guilty by Gwynedd Magistrates Court on three charges of driving while disqualified (contrary to s103 (1) (B) Road Traffic Act 1988), using a vehicle without a test certificate (contrary to s47 (1) Road Traffic Act 1988) and using a vehicle without insurance (contrary to s143 (2) Road Traffic Act 1988). He received a 12-month community order with a supervision condition, a 12-month disqualification from driving and an order to pay costs of £60.00. For driving without insurance he received a 12-month community order (concurrent with the supervision order).

In September 2009 he was found guilty by Conwy Magistrates Court on two charges of destroying or damaging property (contrary to the Criminal Damages Act 1971) and common assault (contrary to section 39 Criminal Justice Act 1988). He received a 12-month community order, an order to pay damages of £329.00 and costs of £250.00. He received a further 6-month community order and an activity requirement for 12 days for driving without insurance.

In December 2010 he was found guilty by Conwy Magistrates Court on a charge of failing to comply with the requirements of a community order (contrary to schedule 8 Criminal Justice Act 2003). He was ordered to pay costs of £85.00, to continue with the original order made in September 2010 and to continue with the activity requirement of six days.

In January 2018 he received three penalty points for one speeding incident.

(A total of ten convictions and one speeding incident in a period of 19 years between 1999 and 2018).

Paragraph 2.2 of the Council's Policy was considered, which states that a person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to remain free of any conviction for an appropriate period as stated in the Policy, and to show evidence that the individual was a fit and proper person to hold a licence. The onus was on the applicant to prove that he was a fit and proper person. Paragraph 2.3 of the Policy confirmed that "other matters to be considered" included cautions.

Paragraph 4.5 was considered which states that the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 allows the Sub-committee to take into account all convictions recorded against an applicant, whether spent or otherwise under the 1974 Act.

Paragraph 6.0 of the Policy addresses violent offences. Paragraph 6.1 states that, since licensed drivers come into close contact regularly with the public, the sub-committee shall take a firm stance towards those who have offences involving violence. Paragraph 6.2 of the Policy states that an application for a licence will usually be refused or revoked if the applicant has a conviction, until they have been free from such convictions for at least three years. Paragraph 6.5 of the Policy states that an application for a licence will usually be refused if the applicant has a matter to be considered for common assault and criminal damage that is less than three years prior to the date of the application. Paragraph 6.6 of

the Policy states that an application will normally be refused if an applicant has more than one conviction for an offence of a violent nature within the last ten years.

Paragraph 8.0 of the Policy, which deals with dishonesty offences, was considered together with paragraph 8.1 that states that a serious view should be taken of any conviction involving dishonesty. Paragraph 8.2 notes that an application would normally be refused where the applicant has a conviction for a listed offence, and that the conviction was received less than three years prior to the date of the application. It was noted that the list of offences included amongst others, taking a vehicle without consent.

Section 12 of the Policy relates to driving convictions, and paragraph 12.2 lists major traffic offences for the purposes of the Policy. These offences include BA10 (driving while disqualified under a Court order) and IN10 (use of an uninsured vehicle). Paragraph 12.3 states that an application will be refused if there is a conviction against the applicant and he/she has not been free of the conviction for at least six months. Paragraph 12.4 notes that an application will be refused if the applicant has more than one major traffic offence within the last five years, and no further application should be considered until a period of at least three years free from such convictions has elapsed. Paragraphs 12.6 to 12.11 deal with driving disqualifications, with paragraph 12.10 specifically noting that an application will normally be refused where the applicant has a conviction resulting in a period of disqualification of 12 months or more, unless a period of at least 18 months has elapsed since the end of the disqualification period.

Section 13 relates to minor traffic offences, and paragraph 13.3 was considered, as it states that more than one conviction for a minor driving offence could lead to an application being refused, especially if there are several convictions to be considered for the same offence.

Paragraph 16.1 of the Policy deals with repeat offences. Firstly, it must be ensured that the convictions satisfy the policy guidelines individually, and that together they create a history of repeat offending that indicates a lack of respect for the welfare and property of others. The Policy states that ten years must have elapsed since the most recent conviction.

Section 17 of the Policy addresses situations regarding breach of legislation, byelaw or licence conditions. It is noted that an applicant who has a conviction or other matters to be considered for a breach of legislation, is unlikely to be granted a licence unless a period of at least 12 months has elapsed since the most recent breach.

- d) The Sub-committee determined that the 1999 conviction was an offence that involved dishonesty, however, as the last offence occurred over 21 years ago (beyond the period of three years), paragraph 8.2 was irrelevant, and there was no reason to refuse the application, although it could, in conjunction with other convictions, be considered under paragraph 16.1.

The Sub-committee concluded that the convictions dating from May 2001, January 2005 (possessing a weapon) and September 2009 were all violent offences. However, as the last offence had occurred over ten years ago (beyond the period of three years), paragraph 6.5 was irrelevant, and there were no grounds to refuse the application, although it could, in conjunction with other convictions, be considered under paragraph 16.1.

The information regarding the conviction in December 2010 was not relevant to the specific area covered within the Policy, and therefore the provisions of section 17 were considered. As the conviction had occurred over twelve months ago, there was no reason to refuse the

application, although once again it could, in conjunction with other convictions, be considered under paragraph 16.1.

In the context of the other convictions the Sub-committee concluded that the convictions related to major traffic offences. However, as the last conviction had occurred over 11 years ago, the Sub-committee was of the view that these convictions were not grounds to refuse the application under paragraph 12.4, although once again they could, in conjunction with other convictions, be considered under paragraph 16.1. It was noted that there were a number of driving disqualifications (2003, 2005 and 2008), but as there had been no disqualifications during the past 18 months, there was no reason to refuse the application under paragraph 12.10.

However, the Sub-committee considered that collectively, all the convictions equated to repeat offending that indicated a lack of respect for the welfare and property of others. Consequently, paragraph 16.1 of the Policy was relevant, and solely on these grounds, there was a presumption in favour of refusing the application.

The Solicitor highlighted that the Policy's provisions were not mandatory and that the Sub-committee could deviate from the recommendations if the facts of the case justified that. Particular consideration was given to paragraph 5.1 of the report which addressed the seriousness of the offences, their relevance, the date they were committed, the date of conviction and the applicant's age at the time of conviction, the sentence given by the Court and whether the offences related to a pattern of offending, as well as any other relevant factors.

The Sub-committee gave specific consideration to the speeding offence dating from 2018. With the exception of this incident, the conviction in December 2010 was the most recent whereby paragraph 16.1 provided the grounds to refuse the application (within a few months only). It was noted that almost a decade had passed since December 2010, and that the applicant had no subsequent convictions. The incident of speeding in 2018 was a minor traffic offence, and although it was cause for concern, it did not compare to the seriousness of the previous major traffic offences that the applicant had committed. Under the circumstances, the Sub-committee was satisfied that this incident, compared to the other convictions, did not appear to be 'within the spirit of paragraph 16.1'.

The representations from the applicant's prospective employer were considered, that explained that the applicant had experience of working for a courier company and of working in a local hospital with SIA accreditation. This was considered to be a sign that other employers had recognised that the applicant was a suitable person for this type of work. It was added that although the applicant had offended in the past, he had now matured and evidence of this could be seen in the DBS record.

This was a difficult application for the Sub-committee to decide, as the application contained both strengths and weaknesses. Having carefully weighed up the evidence and the information, the Sub-committee was willing to deviate from the presumption in favour of refusing the application in this case, and under the circumstances it was decided that the applicant was a fit and proper person to hold a hackney/private hire vehicle driver's licence. The applicant was encouraged to take advantage of the opportunity to further improve himself.

The Solicitor reported that the decision would be confirmed formally by letter to the applicant.

The meeting commenced at 14:00 and concluded at 15:35

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## GENERAL LICENSING SUB-COMMITTEE 09.03.2020

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**Present:** Councillor Elfed Williams (Chair), Councillors Annwen Hughes and Dafydd Owen

**Officers:** Geraint Brython Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democratic Services Officer)

### 1. APOLOGIES

None to note

### 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

It was **RESOLVED** to exclude the press and public from the meeting during the discussion on the following items due to 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 applied as the individuals in question were entitled to privacy and there was no overriding public interest that required the disclosure of personal information relating to those individuals, or their identities. Consequently, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

### 5. APPLICATION FOR HACKNEY/PRIVATE HIRE VEHICLE DRIVER'S LICENCE - Ms A

a) The Chair welcomed everyone to the meeting. He explained that the decision would be made in accordance with Gwynedd Council's licensing policy. It was noted that the purpose of the policy was to set guidelines for the criteria when considering the applicant's application, with the aim of protecting the public by ensuring that:

- The person is a fit and proper person
- The person does not pose a threat to the public
- The public are safeguarded from dishonest persons
- Children and young people are protected
- Vulnerable persons are protected
- The public have confidence in using licensed vehicles.

The Licensing Manager presented the written report on the application received from Ms A for a new hackney/private hire vehicle driver's licence. The Sub-committee was requested to consider the application in accordance with the DBS disclosure, the guidelines on criminal offences and relevant convictions. The Licensing Authority had recommended that the Sub-committee should refuse the application.

The applicant and the prospective employer were invited to expand on the application and provide information about the background of the convictions and the applicant's personal circumstances. The applicant explained that the incidents that were recorded on the DBS were historical incidents that had occurred when she went through a difficult period as a

teenager. She added that she herself now had a child, and that she wanted to set a good example and have stability in her life. The applicant's prospective employer noted that she was aware of Ms A's background, but she had faith in her and was willing to give her a chance. She added that she had received a reference from Ms A's former employer as a carer in a children's home.

b) **RESOLVED that the applicant was a fit and proper person to be issued with a hackney /private hire vehicle driver's licence from Gwynedd Council.**

c) In reaching its decision, the Sub-committee had considered the following:

- The requirements of 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire Vehicles'
- the applicant's application form
- the Licensing Department's report and the DBS statement
- the applicant and her prospective employer's verbal representations

ch) Specific consideration was given to the following matters

The applicant had received a caution in June 2003 from North Wales Police for assault occasioning actual bodily harm contrary to the Offences Against the Person Act 1861. In September 2004 she received a conviction from Conwy Youth Court for an offence in relation to taking a motor vehicle without authority, contrary to the Theft Act 1968. She received an order that was deferred for five months and was ordered to pay costs of £20. In May 2006 the applicant received two convictions from Gwynedd Youth Court - one conviction of resisting or obstructing a person who was assisting a police officer, and one of assaulting a police officer, contrary to the Police Act 1996. She received an Action Plan Order for three months for the first crime, and a community service order and a specific ten hour order to make amends for her behaviour. In July 2015 she received another caution for damaging property which was contrary to the Criminal Damage Act 1971.

Paragraph 2.2 of the Council's Policy was considered, which states that a person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to remain free of any conviction for an appropriate period as stated in the Policy, and to show evidence that the individual is a fit and proper person to hold a licence. The onus was on the applicant to prove that she was a fit and proper person. Paragraph 2.3 of the Policy confirmed that "other matters to be considered" included cautions.

Paragraph 4.5 was considered which states that the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 allows the Sub-committee to take into account all convictions recorded against an applicant, whether spent or otherwise under the 1974 Act.

Paragraph 6 of the Policy addresses violent offences. Paragraph 6.1 states that, since licensed drivers come into close contact regularly with the public, the sub-committee shall take a firm stance towards those who have offences involving violence. Paragraph 6.4 of the Policy states that an application for a licence will usually be refused or revoked if the applicant has a conviction for one of the listed offences, and that the conviction is within ten years of the date of the application. It was noted that the list of offences included Police assault, amongst others. Paragraph 6.5 of the Policy states that an application for a licence will usually be refused if the applicant has a matter to be considered for common assault that is less than three years prior to the date of the application.

Paragraph 8.0 of the Policy, which deals with dishonesty offences, was considered together with paragraph 8.1 that states that a serious view should be taken of any conviction involving dishonesty. Paragraph 8.2 notes that an application would normally be

refused where the applicant has a conviction for a listed offence, and that the conviction was received less than three years prior to the date of the application. It was noted that the list of offences included amongst others, taking a vehicle without consent.

Paragraph 16.1 of the Policy deals with repeat offences. Firstly, it must be ensured that the convictions satisfy the policy guidelines individually, but that they together create a history of repeat offending that indicates a lack of respect for the welfare and property of others. The Policy states that ten years must have elapsed since the most recent conviction.

- d) The Sub-committee came to the conclusion that the caution in 2003 was a violent offence, however, as the last offence had occurred over 16 years ago (which is beyond the period of three years), paragraph 6.5 was irrelevant, and there was no reason to refuse the application. It was considered that the 2004 conviction was for an offence relating to dishonesty. However, as the conviction had occurred over 16 years ago (beyond the period of three years), paragraph 8.2 was irrelevant, and there was no reason to refuse the application.

It was considered that the 2006 conviction was in relation to a violent offence, listed as a 'police assault' within paragraph 6.4. However, as the last conviction occurred over 13 years ago (beyond the period of ten years), paragraph 6.4 of the Policy was irrelevant and there was no reason to refuse the application. It was considered that the 2015 caution was in relation to a violent offence. However, as this caution dated from over four years ago (beyond the period of three years), there was no reason to refuse the application.

In considering collectively the caution in 2003, and the convictions dating from 2004, 2006 and the caution in 2015, there was a pattern of repeat offending that indicated a lack of respect for the welfare and property of others. The last of these offences had occurred over four years ago, and therefore when considering a ten year period, the Sub-committee concluded that the provisions of paragraph 16.1 were relevant and were grounds for refusing the application.

The Solicitor highlighted that the Policy's provisions were not mandatory and that the Sub-committee could deviate from the recommendations if the facts of the case justified that. Particular consideration was given to paragraph 5.1 of the report which addressed the seriousness of the offences, their relevance, the date they were committed, the date of conviction and the applicant's age at the time of conviction, the sentence given by the Court and whether the offences related to a pattern of offending, as well as any other relevant factors.

It was considered that the 2015 caution was the only incident recorded within the past decade, with the caution in 2003 and convictions in 2004 and 2006 having occurred when the applicant was under 18 years old. A full explanation had been received from the applicant about the background of the individual incidents, and it was concluded that there was no material link between these incidents.

- dd) Having carefully weighed up the evidence and the information, the Sub-committee was willing to deviate from the presumption in favour of refusing the application in this case, and under the circumstances it was decided that the applicant was a fit and proper person to hold a hackney/private hire vehicle driver's licence.

The Solicitor reported that the decision would be confirmed formally by letter to the applicant.

The meeting commenced at 10.45am and concluded at 11.30am.

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## GENERAL LICENSING SUB-COMMITTEE 12.02.2020

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**Present:** Councillor Annwen Hughes (Chair), Councillors Angela Russell and Gareth Williams.

**Officers:** Siôn Huws (Senior Solicitor - Corporate), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democratic Services Officer).

### 1. APOLOGIES

None to note.

### 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

It was **RESOLVED** to exclude the press and public from the meeting during the discussion on the following items due to 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 applied as the individuals in question were entitled to privacy and there was no overriding public interest that required the disclosure of personal information relating to those individuals, or their identities. Consequently, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

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

a) The Chair welcomed everyone to the meeting. She explained that the decision would be made in accordance with Gwynedd Council's licensing policy. It was noted that the purpose of the policy was to set guidelines for the criteria when considering the applicant's application with the aim of protecting the public by ensuring that:

- The person is a fit and proper person
- The person does not pose a threat to the public
- The public are safeguarded from dishonest persons
- Children and young people are protected
- Vulnerable persons are protected
- The public have confidence in using licensed vehicles.

The Licensing Officer presented a written report on an application received from Mr A for a hackney carriage/private hire driver's licence. The Sub-committee was requested to consider the application in accordance with the DBS record, and the guidelines on relevant criminal offences and convictions. The Licensing Authority had recommended that the Sub-committee should refuse the application.

The applicant's representative was invited to ask questions of the Council's representative. The applicant was given an opportunity to expand on his application and provide background information about the incidents in question and also his personal

circumstances. It was noted that he was experiencing personal difficulties involving his son's health and the death of both his father and his friend. It was added that he had a quality taxi company, that he employed local drivers and that his priority was to retain the business. A witness was invited to support the applicant's application.

With the evidence having been presented, the applicant, his solicitor, and his friend withdrew from the room along with the Licensing Manager, while the members of the Sub-committee discussed the application.

b) **It was RESOLVED that the applicant was not a fit and proper person to be issued with a hackney carriage/private hire driver's licence from Gwynedd Council.**

c) In reaching its decision, the Sub-committee had considered the following:

- the requirements of the 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire Vehicles'
- the applicant's application form
- verbal observations by the applicant, his solicitor, and his friend
- documents and images submitted by the applicant during the hearing
- character references in the form of letters received in support of the applicant's application
- an excerpt of closed circuit television footage (2018 incident)
- recordings of 999 calls (2019 incident)
- the Licensing Department's report along with the DBS statement disclosing a conviction.
- Evidence and observations of the Magistrates' Court.

d) Specific consideration was given to the following matters:

The applicant had received a formal caution from North Wales Police (May 2018) on a charge of assaulting a person contrary to section 39 of the Criminal Justice Act 1988.

In February 2019 the Licensing Department received a telephone call from the Police to advise that a member of the public had made an accusation that he had suffered a physical assault by the applicant following a fare dispute. No criminal charges were brought against the applicant for this incident. Following the incident, the Licensing Manager had received information which outlined the facts of the matter, and a decision was made to revoke the applicant's licence in order to safeguard the public, in accordance with the provisions contained in section 61(1) (b) of the Local Government (Miscellaneous Provisions) Act 1976.

The applicant appealed against the decision, and in a hearing at Caernarfon Magistrates' Court (July 2019) his appeal against the Council's decision on 14 March 2019 to revoke his hackney carriage/private hire driving licence under section 60 of the Local Government (Miscellaneous Provisions) Act 1976 was turned down.

e) Paragraph 2.2 of the Council's Policy was considered, which stated that a person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to remain free of any conviction for an appropriate period as stated in the Policy, and to show evidence that the individual is a fit and proper person to hold a licence. The onus was on the applicant to prove that he was a fit and proper person.

Paragraph 2.3 of the Policy was considered, in which reference was made to formal cautions.

Paragraph 5.1 of the policy was considered, which set out the requirements of the Licensing Authority in terms of matters to be considered in deciding whether an applicant was a 'fit and proper person' to be issued with a licence.

Paragraph 6 of the Policy addressed violent offences. Paragraph 6.1 stated that, since licensed drivers came into close contact regularly with the public, the sub-committee shall adopt a firm stance towards those who have offences involving violence. Paragraph 6.2 states that any applicant found guilty of violence-related offences was unlikely to receive a licence until they had been free from such convictions for at least three years .

Paragraph 6.5 of the Policy stated that an application for a licence shall generally be rejected if the applicant had a matter to be considered (including cautions) for common assault and/or an offence under section 4 of the Public Order Act 1986 which took place less than three years prior to the date of application.

- f) The Sub-committee concluded that the caution dating from 2018, along with the February 2019 incident, involved violent offending. As the May 2018 caution had been given 21 months prior, and that a little over a year had passed since the February 2019 incident, both fell within the three-year period. In accordance with paragraph 6.5 of the Policy, and the recommendation of the Licensing Manager, the initial considerations were clearly in favour of refusing the application. The Sub-committee was also aware, however, that the Policy was only a guidance, and that it was possible to deviate from it if there was justification for doing so.

In deciding whether or not to deviate from the provisions contained within the Policy, the Sub-committee considered the reasons upon which the following decisions were based:

- revocation of licence (May 2018)
- decision of the Sub-committee to grant a licence (October 2018)
- revocation of licence (February 2019)
- Magistrates' Court verdict (July 2019) on appeal against February 2019 revocation.

The following matters were considered:

- the evidence provided by the applicant to the Sub-committee prior to the meeting pertaining to the incidents, along with character references
- the context of previous decisions, the substance and quality of the evidence presented to the relevant forums, and the manner in which this evidence had been challenged in those forums
- the situation when the applicant would seek to reopen / challenge matters of fact subject to previous Court rulings, in which the Sub-committee would be entitled to consider the Court's findings to be final; especially were the applicant to seek to challenge those same matters without any new, additional evidence being submitted, and/or would seek to submit new evidence pertaining to those matters that could have been presented in the Court in which the appeal was heard.

Following the revocation of his licence in May 2018, the applicant then submitted a new application for a licence in October 2018. Despite the Licensing Department's recommendation to refuse the application, the Sub-committee decided to approve it as the circumstances had justified a deviation from the policy, for the following reasons:

- That the applicant had shown remorse for the assault
- The incident was out of character and this was highlighted in the many character references received in support of the applicant's application

- That there was no record of any conviction or other caution against the applicant as noted on the DBS record
- That the applicant was already under caution by the Police and was therefore mindful not to breach the law again
- That the attack was not a violent one against the public, but rather against another competitor in the taxi trade
- The victim of the attack was not without blame
- That the attack had been provoked, in a location that had CCTV coverage
- That the attack had arisen in the context of a lengthy campaign of harassment and provocation by the victim of the attack
- An honest explanation was given as to why the applicant had not appealed against the decision to revoke his licence - he had experienced personal difficulties involving his son's health.

In the view of the Sub-committee, the Sub-committee in 2018 had clearly given the applicant another chance, believing that he would take the Police caution seriously and take proactive steps to keep out of any trouble which could cast further doubt upon his ability to be a fit and proper person. It was on that basis that the Sub-committee in 2018 came to the conclusion that he was a fit and proper person. Nevertheless, following the February 2019 incident, the Sub-committee was required to reconsider the decision made in 2018 that the applicant was a fit and proper person to be issued with a licence, along with the reasons given for that decision.

The applicant's hackney carriage/private hire licence was revoked for the second time by the Licensing Department following the February 2019 incident. This decision was made on the grounds of the applicant's conduct in the incidents that occurred in May 2018 and February 2019.

The applicant appealed to the Magistrates' Court against that decision, and live evidence of the 2018 and 2019 incidents was presented in the hearing, along with written witness statements and recordings of telephone calls made to the police.

- It was noted that the Court had favoured the description of the defendant in the 2018 incident, rather than the appellant's description. It was highlighted that in reaching their decision, the Magistrates had disregarded some of the reasons provided by the Sub-committee in 2018, and had given no weight to the fact that the offence was one of assault against a competitor; the Policy did not discriminate according to the identity of the victim of violence.
- In the same manner, the Court also gave precedence to the descriptions given by the victims of assault in the 2019 incident, highlighting that this had been a serious incident. Despite apparent inconsistencies in the evidence in terms of the absence of injuries resulting from the alleged assault, the incident had clearly been an unpleasant one for the passengers. Consequently, the Court found that the Council had not been mistaken in its decision that 'the applicant is not a fit and proper person to be issued with a licence' on the grounds of the 2018 and 2019 incidents. The appeal had been dismissed.

Consideration was given to the applicant's personal statement, in which he had noted:

- That he was being treated unfairly compared to other drivers
- That he had not been invited / given the opportunity by the Licensing Department to discuss / present evidence pertaining to the 2019 incident prior to his licence being revoked in May 2019
- That the Licensing Committee's investigations into the 2018 and 2019 incidents, which led to his licence being revoked, was flawed

- That the campaign of harassment and provocation by the victim of the 2018 attack persisted - CCTV images were shown of incidents outside his home
- That there were no grounds for the Magistrates' Court ruling based on the evidence submitted
- That the police had not identified any physical injuries to the passenger when they attended the 2019 incident
- That the 2018 and 2019 incidents had not taken place in the manner in which the Court found that they had
- That he had obtained several character references in support of his application.

In reaching its decision, the Sub-committee deemed the Court's findings to be clear and unambiguous. The Court had considered a great deal of written evidence, oral evidence by living witnesses under thorough questioning, and both the Council and the applicant had presented their respective legal arguments. Under the circumstances, these findings were considered to be of great significance.

It was considered that the applicant's presentation to the Sub-committee amounted to a retelling of the factual matters presented before the Magistrates' Court in regard to the 2018 and 2019 incidents. The Sub-committee found no evidence to show that anything had changed substantially since the appeal, and the Sub-committee was under the impression that the applicant was inviting it to disregard the Court's findings.

- g) Having carefully considered all the evidence and information, the Sub-committee was not of the view that the application merited deviation from the policy guidance, and thus came to the conclusion that the applicant was not a fit and proper person to hold a hackney carriage and private hire vehicle driver's licence.

The Solicitor reported that the applicant had the right to submit an appeal to Caernarfon Magistrates' Court against the Sub-committee's decision and that any such appeal should be submitted to the Chief Executive of Llandudno Magistrates' Court within 21 days of receiving the letter to confirm the Sub-committee's decision. It was also noted that should the applicant wish to appeal against the decision of the Magistrates' Court, such an appeal should be directed to the Crown Court.

The meeting commenced at 10:20 and concluded at 14:40.

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## GENERAL LICENSING SUB-COMMITTEE 18.12.2019

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**Present:** Councillor Elfed Williams (Chair), Councillors Edgar Owen and Dafydd Owen

**Officers:** Geraint Brython Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager) and Lowri H Evans (DEmocratic Services Officer)

### 1. APOLOGIES

Apologies were received from both applicants.

It was noted that both applicants had noted that they did not want the hearing to be deferred due to their absence.

### 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 due to 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 applied as the individuals in question were entitled to privacy and there was no overriding public interest that required the disclosure of personal information relating to those individuals, or their identities. Consequently, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.**

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

a) The Chair welcomed everyone to the meeting. He explained that the decision would be made in accordance with Gwynedd Council's licensing policy. It was noted that the purpose of the policy was to set guidelines for the criteria when considering the applicant's application with the aim of protecting the public by ensuring that:

- The person is a fit and proper person
- The person does not pose a threat to the public
- The public are safeguarded from dishonest persons
- Children and young people are protected
- Vulnerable persons are protected
- The public have confidence in using licensed vehicles.

The Licensing Officer presented a written report on an application received from Mr A for a hackney/private hire driver's licence. The Sub-committee was requested to consider the application in accordance with the DBS record, and the guidelines on relevant criminal offences and convictions. The Licensing Authority recommended that the Sub-committee should approve the application.

The applicant was not present to expand on his application.

b) **RESOLVED that the applicant was a fit and proper person to be issued with a hackney vehicle/private hire driver's licence from Gwynedd Council.**

c) In reaching its decision, the Sub-committee considered the following:

- The requirements of 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire Vehicles'
- the applicant's application form
- the Licensing Department's report along with the DBS statement

ch) Specific consideration was given to the following matters.

The applicant received a conviction from Caernarfon and Gwyrfai Magistrates' Court (August 2000) for being drunk and disorderly contrary to section 91(1) of the Criminal Justice Act 1967. He was fined £50 and ordered to pay £30 costs. In January 2007, the applicant received a conviction from Gwynedd Magistrates' Court for unruly behaviour or using threatening, aggressive/insulting language likely to cause harassment, alarm or distress contrary to section 5(1) (A) of the Public Order Act 1986. He was given a conditional discharge of 12 months together with an order to pay costs of £75.00.

d) Paragraph 2.2 of the Council's Policy was considered, which states that a person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to remain free of any conviction for an appropriate period as stated in the Policy, and to show evidence that the individual is a fit and proper person to hold a licence. The applicant has a responsibility to prove that he is a fit and proper person.

Paragraph 4.5 was considered which states that the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 allows the Sub-committee to take into account all convictions recorded against an applicant, whether spent or otherwise under the 1974 Act.

Paragraph 6 of the Policy addresses violent offences. Paragraph 6.1 states that, since licensed drivers come into close contact regularly with the public, the sub-committee shall take a firm stance towards those who have offences involving violence. Paragraph 6.5 of the Policy states that an application for a licence will usually be refused if the applicant has a matter to be considered (including cautions) for common assault and/or an offence under S4 of the Public Order Act 1986 which happened less than three years before the date of application. Paragraph 6.6 also states that an application will normally be refused if an applicant has more than one conviction for an offence of a violent nature, or other matter to be considered in connection with that, within the last 10 years.

dd) The Sub-committee came to the conclusion that the convictions in 2000 and 2007 were violence-related, however, as the last offence had occurred over 12 years ago (which is beyond the period of 3 years), paragraphs 6.5 and 6.6 were irrelevant and, therefore, there was no reason to refuse the application.

e) Having carefully considered the evidence and information, the Sub-committee was satisfied that the applicant was a fit and proper person to hold a hackney vehicle and private hire driver's licence.

The Solicitor reported that the decision would be confirmed formally by letter to the applicant.

## 6. APPLICATION FOR A HACKNEY/PRIVATE HIRE DRIVER'S LICENCE - Mr B

a) The Chair welcomed everyone to the meeting. He explained that the decision would be made in accordance with Gwynedd Council's licensing policy. It was noted that the purpose of the policy was to set guidelines for the criteria when considering the applicant's application with the aim of protecting the public by ensuring that:

- The person is a fit and proper person
- The person does not pose a threat to the public
- The public are safeguarded from dishonest persons
- Children and young people are protected
- Vulnerable persons are protected
- The public have confidence in using licensed vehicles.

The Licensing Manager submitted the written report on the application received from Ms B for a hackney/private hire driver's licence. The Sub-committee was requested to consider the application in accordance with the DBS record, the Driver and Vehicle Licensing Agency statement, and the guidelines on relevant criminal offences and convictions. The Licensing Authority recommended that the Sub-committee should refuse the application.

The applicant was not present to expand on his application.

b) **RESOLVED that the applicant was not a fit and proper person to be issued with a hackney vehicle/private hire driver's licence from Gwynedd Council.**

c) In reaching their decision, the Sub-committee considered the following:

- The requirements of 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire Vehicles'
- The applicant's application form
- The Licensing Department's report, the DBS statement and the Driver and Vehicle Licensing Agency statement
- Institute of Licensing Guidance
- Video clip of January 2019 incident

ch) Specific consideration was given to the following matters.

In May 1982, the applicant received a conviction for a series of offences. The first offence was for theft from a vehicle contrary to the Theft Act 1968. The second was for burglary, the third for criminal damage contrary to section 1 of the Criminal Damages Act 1971, and the fourth was also for theft from a vehicle. For every individual charge he received a community service order of 150 hours, an order to make a contribution towards legal aid of £75.00 and an order to pay costs of £75.00.

In November 1983, the applicant received a conviction from Pwllheli Magistrates' Court for one charge of attempted theft from a vehicle, contrary to section 1 of the Theft Act 1968. He received a fine of £60.00 and ordered to pay costs of £3.00. In May 1985, he received a conviction from Pwllheli Magistrates' Court for a series of charges - offences relating to theft, contrary to Section 1, Theft Act 1968 and of attempted burglary contrary to section 9(1)(B) Theft Act 1968. He was given a youth custody sentence for 6 months and an order to pay damages of £450.00.

In October 1988, he was convicted by Caernarfon Crown Court on a charge of assault that led to bodily harm contrary to section 47 of the Offences Against the Person Act 1861. He received a 9 month custodial sentence which was suspended for 6 months.

Following an incident in January 2019, he was convicted at North West Wales' Magistrates Court (September 2019) of dangerous interference with traffic equipment contrary to section 22A(1)(c) of the Road Traffic Act 1988. He received a fine of £250.00 and was ordered to pay costs of £775.00 and a victim's surcharge of £30.00.

It was highlighted that North Wales Police had disclosed additional information in relation to the January 2019 incident, that the applicant when driving a taxi and transporting passengers had moved road closure barriers. The Licensing Officer confirmed that a video of the incident was circulated on a social media website (claiming to have been taken from the mobile phone of one of the passengers in the taxi) of the applicant moving the barriers. When the video came to the attention of the Licensing Authority, the evidence was submitted to the Police. It was added that an Enforcement Officer from the Licensing Authority had confirmed in a statement that he identified the applicant as the individual in the video. The video was shown to the Sub-committee.

It was noted in the report that the applicant's taxi driving licence had expired a few days after the applicant had been convicted in September 2019.

- d) Paragraph 2.2 of the Council's Policy was considered, which states that a person with a conviction for a serious offence need not be automatically barred from obtaining a licence. However, a person would normally be expected to remain free of any conviction for an appropriate period as stated in the Policy, and to show evidence that the individual is a fit and proper person to hold a licence. The applicant has a responsibility to prove that he is a fit and proper person.

Paragraph 4.5 was considered which states that the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 allows the Sub-committee to take into account all convictions recorded against an applicant, whether spent or otherwise under the 1974 Act.

Paragraph 6 of the Policy addresses violent offences. Paragraph 6.1 states that licensed drivers have close regular contact with the public therefore the sub-committee should adopt a robust stance with those who have offences involving violence. Paragraph 6.5 of the Policy states that an application for a licence will usually be refused if the applicant has a matter to be considered (including cautions) for common assault and/or an offence under S4 of the Public Order Act 1986 which happened less than three years before the date of application. Paragraph 6.6 also states that an application will normally be refused if an applicant has more than one conviction for an offence of a violent nature, or other matter to be considered in connection with that, within the last 10 years.

Paragraph 8.0 of the Policy, which addressed dishonesty offences, was considered together with paragraph 8.1 that stated that a serious view was taken of any conviction involving dishonesty. Paragraph 8.2 noted that an application would normally be refused where the applicant had a conviction(s) for an offence listed, and that the conviction was received less than three years prior to the date of application. It was noted that the list of offences included burglary and theft, amongst other offences.

Section 12 of the Policy concerns motoring convictions, however, the list of motoring offences do not include the offence of dangerous interference with traffic equipment.

Paragraph 14.1 of the Policy states that if the individual is the subject of an outstanding charge or summons their application can continue to be processed, but in the interests of

public safety the matter will be considered and may be deferred for determination until proceedings are concluded.

Section 17 of the Policy addresses situations of breaching an Act, a Byelaw or a Licence condition. It is noted that an applicant who has a conviction or other matters to be considered for a breach of legislation, byelaw or licence condition is unlikely to be granted a licence unless a period of at least 12 months has elapsed since the most recent breach.

In addition to the legislation and the Policy, the Sub-committee was requested to consider the Institute of Licensing's guidance in relation to the suitability and propriety of applicants for a taxi driving licence. Attention was drawn specifically to paragraph 4.15 of the guidance that recommends,

“Any offence committed, or any unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle...will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors. ”

And paragraph 4.26 that states,

“A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.”

- dd) The Sub-committee determined that the 1982 and 1988 offences were violent offences. However, as the last conviction had occurred over 31 years ago (beyond the period of 3 years), paragraphs 6.5 and 6.6 were irrelevant, and therefore were no basis to refuse the application. The Sub-committee came to the conclusion that the convictions in 1982, 1983 and 1985 were offences of dishonesty, however, as the last conviction had occurred over 34 years ago (which is beyond the period of 3 years), paragraph 8.2 was irrelevant and, therefore, there was no basis to refuse the application.

In considering the September 2019 conviction, the Sub-committee came to the conclusion that it did not fall within the contents of part 12 of the Policy (motoring offences) and therefore the recommendation in favour of disqualification was irrelevant. However, it was considered that the incident did involve the breach of legislation and fell within the contents of part 17 of the Policy. Since this incident had occurred less than 12 months ago paragraph 17.1 of the policy was relevant and recommended that the application be refused.

Although they were aware that the Policy provisions were not mandatory and it was possible to deviate from it if the facts of the case justified this, the Sub-committee considered paragraph 5.1 of the Policy. In this case the facts did not justify deviating from the recommendation to refuse the application.

It was considered that a lack of relevant provision within the Policy did not mean that the application could not be refused. It was explained that if the Sub-committee was of the view that convictions, together with other matters meant that the applicant was not a fit and proper person to hold a hackney/private hire driver's licence then the application could be refused with the support and guidance of the Institute of Licensing.

It was considered that the January 2019 incident was very serious. While he was a licensed taxi driver the applicant moved road barriers to continue on his journey. He had

acted illegally and had shown a lack of appreciation to the health and safety of his passengers placing them in a situation of considerable risk.

In the Sub-committee's view paragraph 14.1 of the Policy was not relevant in this case as there was no situation whereby the applicant was awaiting a judgement in relation to a charge against him. (It was noted that the incident was subject to a Crown Court appeal). However, the Policy referred to an outstanding summons and it was considered that the summons the applicant had received in January 2019 had been answered as he had been convicted by Caernarfon Magistrates' Court in September 2019. Consequently, as paragraph 14.1 was not relevant, the Sub-committee was of the view that there were grounds to defer the application as a result of the Crown Court appeal.

Having carefully considered all the evidence and information, the Sub-committee was not satisfied that the applicant was a fit and proper person to hold a hackney vehicle and private hire driver's licence.

The Solicitor reported that the applicant had the right to submit an appeal to Caernarfon Magistrates' Court against the Sub-committee's decision and this should be submitted to the Chief Executive, Llandudno Magistrates' Court within 21 days of receiving the letter confirming the Sub-committee's decision.

The meeting commenced at 10.15am and concluded at 11.00am.

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## GENERAL LICENSING SUB-COMMITTEE 21.11.2019

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**Present:** Councillor Elfed Williams (Chair), Councillors Annwen Hughes and John Brynmor Hughes

**Officers:** Geraint Brython Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager) and Lowri H Evans (Member Support Officer)

### 1. APOLOGIES

None to note

### 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 due to 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 applied as the individuals in question were entitled to privacy and there was no overriding public interest that required the disclosure of personal information relating to those individuals, or their identities. Consequently, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.**

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

a) The Chair welcomed everyone to the meeting. He explained that the decision would be made in accordance with Gwynedd Council's licensing policy. It was noted that the purpose of the policy was to set guidelines for the criteria when considering the applicant's application with the aim of protecting the public by ensuring that:

- The individual is a fit and proper person
- The person does not pose a threat to the public
- The public are safeguarded from dishonest persons
- Children and young people are protected
- Vulnerable persons are protected
- The public have confidence in using licensed vehicles.

The Licensing Officer presented a written report on an application received from Mr A for a hackney/private hire driver's licence. The Sub-committee was requested to consider the application in accordance with the DBS record, and the guidelines on

relevant criminal offences and convictions. It was highlighted that an application from Mr A to renew his hackney / private hire driver's licence had been refused by the Sub-committee on 21.11.18. Mr A noted that the incident had taken place on his stag night and that his behaviour was out of character. He regretted what he had done and explained that he had apologised to the shop owner for his behaviour the following morning. He was not aware that the receiving of a caution was considered a conviction and that it would appear on his DBS record. He expressed that he was now working and had gained a first responder qualification – he had submitted a personal statement, testimonials and references to support his application.

His prospective employer (should the application be approved) had no additional comment to make.

The applicant and his representative withdrew from the room while the Sub-committee members discussed the application.

- b) **It was RESOLVED that the applicant was a fit and proper person to be issued with a hackney vehicle/private hire driver's licence from Gwynedd Council.**
- c) In reaching its decision, the Sub-committee considered the following:
- The requirements of 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire Vehicles'
  - the applicant's application form
  - verbal observations presented by the applicant and his representative during the hearing
  - the Licensing Department's report along with the DBS statement
  - the applicant's personal statement, testimonials / references

Particular consideration was given to the following matters.

The applicant had received convictions for a series of offences (January 2010). The first conviction was for failing to surrender to custody at the allocated time, contrary to the requirements of the Bail Act 1976. He was fined £100.00 and ordered to pay £85 in costs. The second conviction was for being drunk and disorderly under Section 91 of the Criminal Justice Act 1967 (January 2010) where he was fined £50. The applicant received a conviction from Wolverhampton Magistrates' Court (February 2010) for damaging a property contrary to section 1 of the Criminal Damage Act 1971. He was fined £65 and ordered to pay costs of £85. In May 2017, the applicant received a caution from North Wales Police for the use of threatening and insulting language/behaviour, or disorderly behaviour intending to cause alarm / distress, contrary to the Public Order Act 1986.

Paragraph 2.2 of the Council's Policy was considered, which states that a person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to remain free of any conviction for an appropriate period as stated in the Policy, and to show evidence that he/she is a fit and proper person to hold a licence. The applicant has a responsibility to prove that he is a fit and proper person.

Paragraph 2.3 of the Policy confirms that "other matters to be considered" do include cautions.

Paragraph 4.5 was considered which states that the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 allows the Sub-committee to take into account all convictions recorded against an applicant, whether spent or otherwise under the 1974 Act.

Paragraph 6 of the Policy addresses violent offences. Paragraph 6.1 states that, since licensed drivers come into close contact regularly with the public, the sub-committee shall take a firm stance towards those who have offences involving violence. Paragraph 6.5 of the Policy states that an application for a licence will usually be refused if the applicant has a matter to be considered (including cautions) for common assault and/or an offence under S4 of the Public Order Act 1986 which happened less than three years before the date of application. Paragraph 6.6 also states that an application will normally be refused if an applicant has more than one conviction for an offence of a violent nature, or other matter to be considered in connection with that, within the last 10 years.

The Sub-committee also gave consideration to paragraph 16.1 of the Council's policy that deals with repeat offending. Firstly, it was necessary to ensure that the convictions satisfied the policy guidelines individually, but that they together created a history of repeat offending which indicated a lack of respect for the welfare and property of others. Under the Policy it is a requirement that 10 years have elapsed since the most recent conviction.

The Sub-committee determined that the offences in this application were identical to those that had been considered by the Sub-committee of 21 November 2018 in connection with a previous application made by the applicant in 2018 for a hackney vehicle / private hire driver's licence. Although the present Sub-committee was not bound fully by the findings of the 2018 Sub-committee, they were duly addressed by it.

The 2018 Sub-committee had found that there was no specific provision in the Policy that applied to offences of failing to surrender to bail and being drunk and disorderly. Although these convictions were considered to be serious, in light of their historical nature and in the absence of any specific Policy recommending refusal, these convictions, individually, were not grounds for refusing the application. The Sub-committee on the current applicant were in agreement.

In considering the caution issued in 2017, the Sub-committee of 2018 had found that the caution related to violent offending. The 2019 Sub-committee came to the same conclusion.

Combined, the Sub-committee of 2018 considered that the convictions of 2010 and the caution of 2017 constituted more than one conviction or matter to be considered within the past 10 years for an offence of a violent nature, and therefore, under paragraph 6.6 of the Policy they were grounds for refusing the application. In addition, the Sub-committee was of the opinion that repeat offending which indicated a lack of respect for the welfare or property of others, was relevant to paragraph 16.1 of the policy.

A year later, it was considered that the 2010 conviction and the caution in 2017 still constituted 'more than one conviction or matter to be considered within the past 10 years after making an application', and that this would remain the case until the expiry of the 10 year period – namely 7 February 2020 in this case. Re-offending with disregard to others or their property also still remained within the 10 year timeframe, therefore in the circumstances, the present Sub-committee was satisfied that the presumptions in favour of refusal under paragraphs 6.6 and 16.1 of the Policy applied. Even if the 2010 conviction was disregarded, the 2017 caution was sufficient grounds on its own to refuse the application under paragraph 6.5 of the Policy until the three year period had expired – in this instance, 29 May 2020.

The Solicitor highlighted that the Policy's provisions were not mandatory and that the Sub-committee could deviate from the recommendations if the facts of the case justified that. Particular consideration was given to paragraph 3.5 of the report which addressed the seriousness of the offences, their relevance, the date they were committed, the date of conviction and the applicant's age at the time of conviction, the sentence given by the Court and whether the offences related to a pattern of offending, as well as any other relevant factors.

Having considered the background of the incident that had happened in 2017, the 2018 Sub-committee had not been satisfied, despite the applicant admitting that he was guilty, that the reasons for his behaviour were enough to excuse the offence. It was noted that the applicant had a hackney driver's licence at the time of being cautioned by North Wales Police, and that this information had not been shared with the Licensing Department. It seems the information had been shared when completing a licence renewal application. Despite the applicant's explanation that he had not been aware of the need to disclose the information about the caution, the Sub-committee did not accept this since the licence application form clearly stated the need to disclose information about offences and cautions. As a driver, he should have been aware of this need.

The Sub-committee considered that the applicant had not made an honest statement to his employer and that this in itself evidenced that we has not a fit and proper person.

However, having received a personal statement, testimonials and a reference which, amongst other matters, addressed the incident that had led to the caution in 2017, the Sub-committee accepted that the applicant was on good terms with the shop owner and that he had apologised for his behaviour. Although it did not excuse the crime, it provided an important context for the Sub-committee to consider in respect of deviating from refusal of the application. Following the decision by the 2018 Sub-committee that the applicant was not a fit and proper person as he had not disclosed details of his offences to his employer, the applicant had submitted additional character references to support his re-application. Consideration was also given to the applicant's work along with his responsibilities as a first responder – two jobs that demanded a high level of trust.

The Sub-committee accepted that the applicant had now made amends for his dishonesty in failing to disclose his offences to the Licensing Department and former employer, since the applicant had learned from his mistakes and had changed direction since the decision in 2018 by accepting responsibilities and gaining trust in his jobs.

The Chair of the Sub-committee noted that the application was a difficult one to determine, however, after careful consideration of the evidence and information, the Sub-committee was willing to deviate from the Policy and it therefore decided that the applicant was a fit and proper person to hold a hackney vehicle and private hire driver's licence. The Solicitor reported that the decision would be confirmed formally by letter to the applicant.

## **6. APPLICATION FOR A HACKNEY/PRIVATE HIRE DRIVER'S LICENCE – Mr B**

a) The Chair welcomed everyone to the meeting. He explained that the decision would be made in accordance with Gwynedd Council's licensing policy. It was noted that the purpose of the policy was to set guidelines for the criteria when considering the applicant's application with the aim of protecting the public by ensuring that:

- The person is a fit and proper person
- The person does not pose a threat to the public
- The public are safeguarded from dishonest persons
- Children and young people are protected
- Vulnerable persons are protected
- The public have confidence in using licensed vehicles.

The Licensing Officer presented a written report on an application received from Mr B for a hackney/private hire driver's licence. The Sub-committee was requested to consider the application in accordance with the DBS record, the Driver and Vehicle Licensing Agency statement, and the guidelines on relevant criminal offences and convictions.

The applicant's representative was invited to expand on the application and provide information about the background of the offences and the applicant's personal circumstances. The representative explained that Mr B had changed address and that his parent had not forwarded letters to him. Consequently, he had failed to respond to a penalty notice that had been issued for not paying a toll.

The applicant and his representative withdrew from the room while the Sub-committee members discussed the application.

b) **RESOLVED that the applicant was a fit and proper person to be issued with a hackney vehicle/private hire driver's licence from Gwynedd Council.**

c) In reaching its decision, the Sub-committee had considered the following:

- the requirements of 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire Vehicles'
- the applicant's application form
- verbal observations given by the applicant's representative during the hearing
- the Licensing Department's report, the DBS statement and the Driver and Vehicle Licensing Agency statement

In October 2015 the applicant had received three penalty points for breaching the statutory speed limit on a public road. In October 2017 he had received six penalty points for failing to provide information relating to driver identity.

There were no further matters to be considered.

Paragraph 2.2 of the Council's Policy was considered, which states that a person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to remain free of any conviction for an appropriate period as stated in the Policy, and to show evidence that he/she is a fit and proper person to hold a licence. The applicant has a responsibility to prove that he is a fit and proper person. Paragraph 2.3 of the Policy confirms that "other matters to be considered" do include cautions.

Paragraph 12.2 lists serious traffic offences for the purposes of the Policy. Among the offences are MS90 (failing to provide driver identity information) where paragraph 12.3 states that an application will be refused if there is a conviction against the applicant and he/she has not been free of the conviction for at least 6 months.

Consideration was given to paragraph 13.1 which highlights that offences that receive between 1 and 3 penalty points are 'minor traffic offences'. Paragraph 13.2 states that a conviction or another matter to be considered for a minor traffic offence is unlikely to lead to refusal of an application.

The Sub-committee concluded that the 2015 conviction for speeding was a minor offence and the points had expired in October 2018, therefore the members decided that it was not grounds to refuse the application. The Sub-committee concluded that failing to provide identity information was a serious traffic offence. However, as this had happened over six months ago, paragraph 12.3 did not apply and the Sub-committee was satisfied that they were not grounds to refuse the application.

Having carefully considered the evidence and information, the Sub-committee was satisfied that the applicant was a fit and proper person to hold a hackney vehicle and private hire driver's licence.

The Solicitor reported that the decision would be confirmed formally by letter to the applicant.

The meeting commenced at 10.30am and concluded at 12.00pm

<b>COMMITTEE</b>	<b>GENERAL LICENSING COMMITTEE</b>
<b>DATE:</b>	<b>15 March 2021</b>
<b>TITLE:</b>	<b>PROPOSED TAXI LICENCE FEES 2021/22</b>
<b>PURPOSE:</b>	<b>APPROVE PROPOSED FEES PRIOR TO PUBLIC CONSULTATION</b>
<b>AUTHOR:</b>	<b>HEAD OF ENVIRONMENT DEPARTMENT</b>

## 1.0 BACKGROUND INFORMATION

- 1.1 The Council is required to review its fees in respect of taxi licensing (i.e. hackney carriage licences, private hire vehicle licences, private hire operator licences and drivers' licences) on a regular basis. This Committee resolved back in 2013 that taxi fees would be reviewed annually.
- 1.2 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 granting a driver's licence for a hackney or private hire vehicle – costs associated with processing, administration and issuing licences.
  - For granting a vehicle and operator's licence – inspection costs, hackney carriage stand, public notices, management and supervision of vehicles and any other costs associated with processing an application.
- 1.3 The fees charged must be reasonable and it is the Council's decision whether or not to set the fees at a level which will allow for the recovery of costs in full or in part. **This Committee resolved in 2013 that taxi licensing fees must be revised to fully recover costs.**
- 1.4 Taxi fees were increased by 25% in 2013 and 19.78% in 2014, and 10.78% in 2015 in order to fully recover the costs. The fees were not increased at all in 2016/17 or in 2017/18, and it was agreed to increase the fees at an average of 28% across the various taxi licensing fees for 2018/19.

## 2 THE EFFECT OF THE PANDEMIC ON THE TAXI INDUSTRY

- 2.1 As we know, since the first lockdown was introduced back in March 2020 the Covid-19 Pandemic has had a far-reaching impact on the public and private sectors; and the taxi industry is no exception to this.
- 2.2 As schools have been closed, and people have stayed at home with no visitors travelling to the county, the taxi industry has witnessed a significant reduction in the demand for their services.
- 2.3 Income losses have been substantial, which has meant that some drivers have decided to quit the work and not renew their licences. Others have requested that the renewal of their licences be deferred until business picks up when the latest lockdown starts to gradually relax. We have offered some flexibility in this respect; and have also offered alternative payment options so that taxi drivers can pay for their licences in instalments, for example.

- 2.4 Requests have been received from taxi firms in the Bangor and Llanberis area, asking this Committee to consider offering a discount on taxi licensing fees during this financial year because of the huge impact of the Covid crisis on the industry. A copy of the e-mail has been sent to you as members, and I attach a copy of the e-mail received, together with my response to it, in the appendices to this report.
- 2.5 The Covid pandemic has affected the industry in several other ways too. Medical evidence shows that the risks of contracting Covid-19 is higher for taxi drivers than amongst the general population; and there are increasing calls for workers in the industry to be classed as key workers and be prioritised for the vaccine.
- 2.6 Furthermore; it is noted that many taxi drivers have been operating Transport contracts for hospitals, schools, social services - as well as transporting key workers such as Health and Care workers to their place of work during the pandemic.
- 2.7 The Council's Licensing Unit and the Economic Development Department have attempted to support the Industry throughout the Pandemic by offering guidance on the Covid restrictions and precautions, and ensuring that businesses have access to the latest information on applying for financial support.
- 2.8 Recently, a list of all taxi licence holders was issued to the Welsh Government so that taxi drivers can claim PPE packs free of charge from the Government.

### **3. FINANCIAL ASSESSMENT AND PROPOSAL FOR 2021-22**

- 3.1 The fees have not been changed since 2019. It was decided to keep the fees unchanged for 2021/21 when the situation was reviewed in March 2020; as the effects of Covid on the industry were starting to emerge then. The crisis is continuing to affect the industry now of course; but with the national Vaccination Programme underway, there is hope that the situation will improve over the coming months, as different sectors are gradually opened up; provided the infection rates in the population continue to fall.
- 3.2 The Council suffered a substantial decrease in income during the first half of the current financial year, but income levels from taxi licences have now increased; with the income against February 2021 standing at approximately 16% lower than at the end of the 2019/20 financial year.
- 3.3 We must bear in mind of course, as already noted; that we cannot increase taxi fees for the purpose of raising income; only for the purpose of recovering the costs of receiving, processing and administering licences.
- 3.4 No legislative or policy changes have taken place recently which means that the costs of processing these licences have not increased over the past two years. There are changes on the horizon next year, such as completing the review of the Combined Taxi Policy, which will adopt the recommendations of the Department for Transport's National Statutory Hackney and Private Hire Vehicle Standards; together with any new guidelines that will be introduced by the Welsh Government.

3.5 Having considered all the factors noted, we do not believe there is justification for increasing the taxi licence fees significantly for the next financial year. We therefore propose that you consider a proposal that all Taxi Licensing fees are increased in accordance with the increase in inflation over the past two years. This equates to a 2.56% increase on all licence fees as follows -

### 3.2 TABLE OF CURRENT AND PROPOSED FEES

Proposed taxi fees	Current fee £	Proposed fee for 2020/21 - inflation increase of 2.56%
one year driver's licence	233	239
3 year driver's licence	270	277
new HACKNEY vehicle licence	232*	238
renewal of HACKNEY vehicle licence	197*	202
Fee for transfer of HV licence to a new owner	75	77
New PH licence	269*	276
Renewal of PH licence	197*	202
Fee for transfer of PH licence to a new owner	75	77
Provisional PH vehicle licence	171	175
One year operator's licence	236	242
3 year operator's licence	275	275
5 year operator's licence	329	337

\*Total includes internal and external plates (hackney and private hire), and sticker (private hire)

## 4. CONSULTATION WITH THE INDUSTRY

4.1 Following this Committee's decision on the proposed fees, a full public consultation will be held in accordance with the statutory requirements.

4.2 Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 states that a public notice of the proposed fee changes must appear in the local press. There is a specific timetable for the public consultation; and no proposed changes will come into force until any response to the formal consultation has been considered by this Committee at a later date. There will be a direct consultation by letter before the date the notice appears in the local press in order to allow enough time for the industry to highlight any concerns.

- 4.3 The notice in the press will include the date upon which the fees will come into force, 28 days after the date of the notice, providing there are no objections to the fees. Any objections to the fees must be considered by this Committee at its next meeting, and a decision will have to be made on the fee levels accordingly. New fees will not come into force until a final decision is made by this Committee.

#### **RECOMMENDATION**

That the Committee approves the proposal to raise the fees to the recommended level; subject to consultation with the taxi industry and consultation through public notice.

**Oddi wrth:** Chris Oneal <chris@premiercarsbangor.co.uk>

**Anfonwyd:** Dydd Mawrth, 1 Rhagfyr 2020 13:58

**At:** Roberts Gwenan Mai (AMG) <gwenanmairoberts@gwynedd.llyw.cymru>

**Copi/Cc:** dennistaxi@yahoo.co.uk; snowdoniataxi@hotmail.com; Roberts Alun Merfyn (AMG) <alunmerfynroberts@gwynedd.llyw.cymru>; Chubbs Cabs <dafyddchubb@btconnect.com>; edmonds998@gmail.com

**Pwnc:** Covid - 19 Support

Gwenan,

Please can the following be forwarded to councillors that sit on the licensing committee for their consideration.

Councillors,

Firstly, may I thank you for giving the contents of this email some consideration in advance.

As you may be aware we are one of the larger operators of taxis within your county.

Covid - 19 undoubtedly has had a major impact on everything from people to businesses and trust me we as a company along with the other operators out there have suffered badly for at least 6 months of this.

Intermittently we have been able to carry out work but we as an operator using digital systems we can evidence that in certain lockdown period we went from doing 3000+ jobs per week to the lowest point of 564 jobs in one week. If covid is having that sort of impact on a larger company like ourselves it must be damaging the one man bands and the smaller companies immensely too.

Therefore I ask you to consider that the licensing committee approves a **50 %** reduction on all drivers' **next** vehicle license application for operators of **5 + Vehicles** and a **100 %** reduction on all operators who operate **1-4 vehicles**.

You will see from the above we are certainly not just in this for ourselves as the biggest reduction I'm asking for is the smaller operators, therefore I encourage you to show your support for this trade here in Gwynedd and consider my request which if accepted would im sure be welcomed by all of the trade.

Once again thank you for your time. Stay Safe & Keep Well

Diolch

Chris

Christopher James Oneal  
**Premier Cars Bangor Ltd**

**Oddi wrth:** Trwyddedu <Trwyddedu@gwynedd.llyw.cymru>

**Anfonwyd:** Dydd Mawrth, 8 Rhagfyr 2020 13:01

**Pwnc:** Covid - 19 Support

**Pwysigrwydd/Importance:** Uchel

Dear Mr O'Neal,

Thank you for your e mail below dated the 1<sup>st</sup> of December. I do agree with you that the unprecedented effects of the covid 19 pandemic has had a very negative impact on many businesses over the last 9 months . The tough restrictions placed on hospitality, travel and school closures during the first lockdown has had a substantial impact on the taxi trade. We note that many companies have decided not to renew all of their fleet vehicle licences due to a drop in demand and many drivers have been left seeking alternative employment.

As a licensing authority we will be undertaking a review of all licence fees within the next few months. The legislation states that fees must be reviewed so as to ensure that they are fair and proportionate, and that fees are not charged at a rate over and above the actual costs of processing, granting and issuing of licences . Once the fees have been reviewed , the members of the licensing committee will be required to consider the fees, and make a decision on whether or not the fees should be changed.

I will be sending your e mail on to members of the licensing committee as requested ; and will kindly request that consideration is given to the effects of the covid 19 pandemic when a decision is to be made during the fee setting process at the beginning of the year.

The councillors will set the fees on a cost recovery basis; and the proposals will be subject to public consultation; allowing the taxi trade an opportunity to comment.

In the meantime , taxi companies experiencing difficulties can discuss options with our finance department for spreading the costs of licences, or the renewal of some licences; such as annual vehicle licences can be deferred until such time as business picks up enough for the vehicles to be licenced for use again.

There is also financial help available for many small businesses adversely affected by the covid 19 restrictions. It is my understanding that the take up of qualifying grants from Welsh Government by the taxi trade has been low – and we would encourage you and all the other businesses in the trade to make enquires as to the financial help available. Some information has been e mailed out to the trade with relevant information on grants; but here are some links to information on the financial help available currently –

**Gwynedd Council – Business Support**

<https://www.gwynedd.llyw.cymru/businesscovid19>

<https://twitter.com/BusnesGwynedd>

**Gwynedd Business Network**

<https://www.gwyneddbusnes.net/>  
<https://twitter.com/gwyneddbusnes>

**Business Wales**

<https://businesswales.gov.wales/coronavirus-advice/>  
<https://twitter.com/businesswales>

I hope the information in these links provide some assistance.

Sincerely

**Gwenan Mai Roberts**

Rheolwr Gwarchod y Cyhoedd | Public Protection Manager  
Rheolaeth Llygredd a Thrwyddedu | Pollution Control and Licensing