



Complete Agenda

Democratic Services
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

GENERAL LICENSING COMMITTEE

Date and Time

10.00 am, MONDAY, 12TH JUNE, 2023

Location

Virtual Meeting

NOTE

*** For public access to the meeting, please contact us***

Contact Point

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(DISTRIBUTED Friday, 2 June 2023)

GENERAL LICENSING COMMITTEE

MEMBERSHIP (15)

Plaid Cymru (10)

Councillors

Alan Jones Evans
Gareth Tudor Jones
Edgar Wyn Owen
Rheinallt Puw
Huw Rowlands

Annwen Hughes
Linda Ann Jones
Gwynfor Owen
Arwyn Herald Roberts
Elfed Williams

Independent (5)

Councillors

Gareth Williams
Eryl Jones-Williams
John Brynmor Hughes

Angela Russell
Anwen J. Davies

Ex-officio Members

Chair and Vice-Chair of the Council

A G E N D A

1. ELECT CHAIR

To elect Chair for 2023 /24

2. ELECT VICE CHAIR

To elect Vice – chair for 2023 / 24

3. APOLOGIES

To receive any apologies for absence.

4. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest.

5. URGENT ITEMS

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

6. MINUTES

4 - 6

The Chairman shall propose that the minutes of the meeting of this Committee, held on 5th December 2022 be signed as a true record.

7. GENERAL LICENSING SUB-COMMITTEE MINUTES

7 - 35

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

1. 13 March 2023
2. 10 February 2023
3. 23 January 2023
4. 14 December 2022
5. 23 November 2022
6. 14 November 2022
7. 8 November 2022

8. PROPOSED TAXI LICENCE FEES 2023/24

36 - 39

To consider the proposal to raise the fees to the recommended level; subject to consultation with the taxi industry and consultation through public notice.

Agenda Item 6

GENERAL LICENSING COMMITTEE 05-12-22

Present: Chair **Cllr. Annwen Hughes**
Vice-chair **Cllr. Elfed Williams**

Councillors: Anwen Davies, Alan Jones Evans, Eryl Jones-Williams, Gareth Tudor Jones, Linda Ann Jones, Edgar Wyn Owen, Gwynfor Owen, Arwyn Herald Roberts, Huw Rowlands, Angela Russell and Gareth Williams

Officers: Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democratic Services Officer)

1. APOLOGIES

Apologies were received from Councillors John Brynmor Hughes and Rheinallt Puw.

2. DECLARATION OF PERSONAL INTEREST

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

3. URGENT ITEMS

None to note

4. MINUTES

The Chair signed the minutes of a meeting of this committee, that took place on 24 October 2022, as a true record

5. MINUTES OF THE LICENSING SUB-COMMITTEES

Accepted, for information, the minutes of the General Licensing Sub-committees held on 4 October 2022

1. PUBLIC CONSULTATION ON THE MAXIMUM HACKNEY CARRIAGE TAXI FEES

- a) Submitted - the report of the Licensing Manager, recommending raising maximum hackney carriage fees in the County. Members were reminded, in accordance with The Local Government (Miscellaneous Provisions) Act 1976 that places regulation duties on the Licensing Authority in relation to operating a maximum fare the public can be charged when travelling in hackney vehicles within the County, it is required that any request to change the maximum fare charged is submitted by the industry. It was confirmed that 5 recent requests had been received from the taxi company owners to review the fares and that these fares were for hackney vehicles only and not private vehicles. In a meeting on 24 October, recommendations were presented from the Licensing Authority to increase some fares. The Committee decided to

approve the recommendations as well as conducting a public consultation for 14 days. It was reported that correspondence had been submitted to the taxi industry before the consultation officially started, providing the opportunity for the industry to consider the proposals. Five objections were received with observations from representatives from the industry - no observations were received from the public. It was explained, as objections had been received to the proposal, that there was a need to re-submit recommendations so the Committee could give careful consideration to the matter before a final decision was made.

Reference was made to those factors that had affected taxi businesses recently (lockdown period during covid 19, a significant increase in fuel costs together with a significant increase in inflation) noting that these had been factors that affected everyone. The importance of evaluating the impact of the current situation was noted, ensuring fairness for the industry and taxi users. It was added that some community plans, with the support of grants, by collaborating with social hubs offer free transportation services to vulnerable users as taxi prices were too expensive. This is seen in Penygroes and Bethesda areas

Despite accepting the industry's observations, the Licensing Unit recommended to continue with the original observations but accepted the observation to remove the proposal of creating an additional tariff for journeys in a minibus where there were between 5 and 8 passengers. It was considered that this proposal, in accordance with the industry's unanimous observations, was open to misuse and there was no worth to it.

- b) During the ensuing discussion, the following observations were made by Members:
- That the report was clear and balanced
 - That there was a need to protect the industry but on the other hand consider the effect on the users
 - Welcome the consultation and the willingness of the Committee to discuss the observations
 - Difficult to get this service in Dwyfor - bus service reducing and costs of taxis increasing
- c) In response to a question regarding that the observations received reflected urban and rural matters, it was noted that a mixture of observations was received. In response to a supplementary question regarding anonymous responses, it was noted that the names and personal e-mail addresses of the respondents had been removed as a way of protecting their privacy.

In response to a comment that some companies avoided short journeys, it was confirmed that the journey costs started from the time the user was collected and therefore it was accepted that some companies avoid journeys to collect customers as the journey was long and the transportation costs were insufficient to pay the costs of the journey. It was reiterated that licensing conditions noted that users must be collected if it had been agreed over the phone.

In response to a question regarding transport for vulnerable people (making reference to the community services and hospital appointments), it was noted that the maximum fees were not relevant to these journeys - such journeys arranged beforehand through agreement.

In a response to a question on the size of the industry in Gwynedd, it was noted that there were around 500 taxi drivers in the County with around 400 vehicles with a variety from one driver running one car, small companies with 3-5 drivers and three

'big' companies. (two in Bangor and one in Penygroes). In response to an observation that a driver received less than the minimum wage, it was noted that this depended on short journeys only. It was reiterated that many completed a combination of journeys that made more money and that some of the companies had agreements with the Education Department, Hospitals and Social Services that received costs that had been agreed with the company beforehand. It was highlighted that these costs had increased recently as a result in the increase in the costs of living.

In response to a question regarding the number of cars for wheelchairs, it was noted, in accordance with the current policy, that there was a need for 1 in every 7 cars in a company to be suitable for a wheelchair. Although it was difficult to enforce more, it was highlighted that many provided this specific service with agreements with the social and education services had large, suitable vehicles. It was added that this policy would be reviewed in 2023.

In a response to a proposal on providing electric vehicles and sites to charge electric vehicles for the industry, it was noted that Gwynedd had not taken advantage on trialling a pilot scheme in Gwynedd as no charging system existed to be able to provide a service and force the industry to use it. It was added that the provision needed improving first and consider the barriers that needed to be overcome before promoting a wide provision of electric vehicles.

It was proposed and seconded to approve the proposal by removing setting a different tariff for journeys in a minibus where there are between 5 and 8 passengers.

RESOLVED:

Approve the proposal to increase the maximum fare in accordance with the recommendations, subject to removing the recommendation for the additional tariff for journeys in a minibus where there are between 5 and 8 passengers.

The meeting commenced at 10.10 and concluded at 11.05

GENERAL LICENSING SUB-COMMITTEE 13-03.23

Present:

Councillors: Councillor Annwen Hughes (Chair)
Councillor Gwynfor Owen and Gareth Williams

Officers: Sion Huws (Senior Solicitor), Gwenan Mai Roberts (Licensing Manager)
and Lowri Haf Evans (Democracy Services Officer)

1. APOLOGIES

None to note

2. DECLARATION OF PERSONAL INTEREST

None to note

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

The Chair welcomed everyone to the meeting. She explained that the decision would be made in accordance with Cyngor Gwynedd'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
- The safeguarding of vulnerable persons
- The public can be confident 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 asked to consider the application in accordance with the DBS record, the guidelines on relevant criminal offences and convictions, and the report of the DVLA.

The Licensing Authority recommended that the Sub-committee approved the application. The applicant's driving licence was a clean licence.

In response to a question regarding the applicant's failure to note his conviction on the application form with no reference to this in the report (although IOL National Guidance noted this as a serious matter), the Licensing Manager noted that applicants from time to time misunderstood what was required on the application form bearing in mind that recent driving convictions / endorsements or recent convictions need to be recorded. It was added with the increase in the number of applications submitted on the website, there was less opportunity for the applicants to make enquiries with officers, and therefore give the applicant an opportunity to elaborate on the matter in the sub-committee.

The applicant was invited to expand on the application and provide information about the background of the conviction and his personal circumstances. He stated his wish to get a job that would give him additional income and that would raise confidence in his ability to communicate with the public. He added that he had not included the conviction on the application form as a period of three years had elapsed and he was under the impression that there was no need to disclose a historic conviction.

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

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

- The requirements of 'Cyngor Gwynedd's Licensing Policy for Hackney Carriages and Private Hire Vehicles'
- the applicant's application form
- the Licensing Department's report, together with the DBS statement and the DVLA's report
- the applicant's verbal representations

Specific consideration was given to the following matters:

Background

In February 2014 the applicant was found guilty of destroying or damaging property (property value of £5000 only or less under the Criminal Damages Act 1971), contrary to the Criminal Damages Act 1971, s.1(1). He received a conditional discharge together with an order to pay costs of £85, damages of £30 and victim costs of £15.

RELEVANT CLAUSES OF THE POLICY

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 he will be expected to have been free of any conviction for an appropriate period as stated in the Policy, and to show evidence that he 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 states that when an applicant has a conviction(s) or there are other related matter(s) to be considered in connection with that, the Council cannot review the merits of the conviction or the 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 assault causing actual bodily harm under the Public Order Act 1986 which happened less than three years prior to the date of the application.

CONCLUSIONS

The Sub-committee considered the applicant's explanation of the circumstances that had led to the 2014 conviction, and the officer's recommendation to approve the application.

The Sub-committee came to the conclusion that the 2014 conviction was a violent offence for the purpose of the Policy, and that sufficient time had elapsed the three-year threshold since the applicant was found guilty. The applicant's explanations and the reasons for his behaviour in 2014 were considered and it was accepted that he wanted to put the matter behind him and to move on. Having considered the nature of the offence, the sentence given and the fact that there was no further history of offending, there were no compelling reasons for not following the authority's policy and to approve the application in this case.

The Sub-committee determined 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.

A request was made for the Licensing Unit to review the application form and to clearly state that there was a need to disclose information about each conviction, be they historical or otherwise.

The meeting commenced at 14:00 and concluded at 14:25

GENERAL LICENSING SUB-COMMITTEE 10-02-23

Present:

Councillors: Councillor Annwen Hughes (Chair)
Councillors Linda Ann Jones and Elfed Williams

Officers: Siôn Huws (Senior Solicitor), Gwenan Mai Roberts (Licensing Manager),
Delyth Jones (Public Protection Trainee) and Lowri Haf Evans
(Democracy Services Officer)

1. APOLOGIES

None to note

2. DECLARATION OF PERSONAL INTEREST

None to note

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

The Chair welcomed everyone to the meeting. She highlighted that the decision would be made in accordance with Cyngor Gwynedd'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
- The safeguarding of vulnerable persons
- The public can be confident 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 asked to consider the application in accordance with the DBS record, the guidelines on relevant criminal offences and convictions, and the report of the DVLA.

The Licensing Authority recommended that the Sub-committee approved the application.

The applicant was invited to expand on the application and provide information about the background of the conviction and the points on his licence and his personal circumstances.

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

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

- The requirements of 'Cyngor Gwynedd's Licensing Policy for Hackney Carriages and Private Hire Vehicles'
- the applicant's application form
- the Licensing Department's report, together with the DBS statement and the DVLA's report
- the applicant's verbal representations

Specific consideration was given to the following matters:

Background

In January 1988, the applicant was found guilty of Assault causing Actual Bodily Harm (ABH) contrary to the Offences Against the Person Act 1861 S.47.

In February 2022, the applicant received six penalty points on his driving licence for Breach of Requirements in relation to vehicle control, mobile phone etc.

RELEVANT CLAUSES OF THE POLICY

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 he will be expected to have been free of any conviction for an appropriate period as stated in the Policy, and to show evidence that he 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 states that when an applicant has a conviction(s) or there are other related matter(s) to be considered in connection with that, the Council cannot review the merits of the conviction or the 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 assault causing actual bodily harm under the Public Order Act 1986 which happened 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.

Section 12 of the Policy relates to motoring convictions, and 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.

CONCLUSIONS

The Sub-committee considered the applicant's explanation of the circumstances that had led to the 1988 and 2022 convictions, and the officer's recommendation to approve the application.

The Sub-committee came to the conclusion that the 1988 offence was a violence-related offence for the purpose of the Policy, and that sufficient time had elapsed since the applicant was found guilty. The applicant's explanations and the reasons for his behaviour in 1988 were considered, and it was accepted that his circumstances were now very different. The Sub-committee was also pleased to note that the applicant had included information about his conviction on the application form.

In considering the circumstances of the motoring offence, and that the applicant had admitted using his telephone (in an industrial estate) to the Police in response to a call he considered urgent, it was highlighted that using / holding a telephone while driving was a serious matter, and was now illegal. However, the applicant's explanation of the specific circumstances of the incident were accepted and the Sub-committee was pleased to note that the applicant had accepted responsibility for the action and had honestly and openly admitted that he had used his telephone.

Given the circumstances of the offence, the Sub-committee was satisfied that there was nothing to suggest that the applicant would endanger customers when driving. Having carefully weighed-up all the factors, 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

The Chair welcomed everyone to the meeting. She highlighted that the decision would be made in accordance with Cyngor Gwynedd'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
- The safeguarding of vulnerable persons
- The public can be confident in using licensed vehicles.

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

The Licensing Authority had recommended that the Sub-committee should refuse the application.

The applicant was invited to expand on the application and provide information about the background of the convictions on DBS record and his personal circumstances. His driving licence was a clean licence.

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

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

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

Specific consideration was given to the following matters:

Background

In February 2022, the applicant was found guilty on two counts: Assault causing Actual Bodily Harm (ABH) contrary to the Offences Against the Person Act 1861 S.47 and Affray contrary to the Public Order Act 1986 S.3 - the applicant received a community penalty order for three months.

In August 2012, the applicant was found guilty of Assault causing Actual Bodily Harm (ABH) contrary to the Offences Against the Person Act 1861 S.47 - the applicant received a sentence of 18 months imprisonment.

RELEVANT CLAUSES OF THE POLICY

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 he will be expected to have been free of any conviction for an appropriate period as stated in the Policy, and to show evidence that he 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 states that when an applicant has a conviction(s) or there are other related matter(s) to be considered in connection with that, the Council cannot review the merits of the conviction or the 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 assault causing actual bodily harm under the Public Order Act 1986 which happened 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.

CONCLUSIONS

The Sub-committee considered the applicant's explanation of the circumstances that had led to the 2002 and 2012 convictions together with the officer's recommendation to refuse the application. The Sub-committee came to the conclusion that the 2002 conviction was a violent offence for the purpose of the Policy, and that sufficient time had elapsed following the three-year threshold since the applicant was found guilty. The applicant's explanations and the reasons for his behaviour in 2002 were considered. The Sub-committee determined that the 2012 conviction was also a violence-related offence or similar offence and that a little over 10 years had elapsed since that offence. The applicant's explanations and the reasons for his behaviour in 2012 were considered. Although the applicant had no recent history of re-offending, the Sub-committee gave careful and very serious consideration to the fact that both were serious violent offences, and the applicant had received a sentence of 18 months imprisonment for the 2012 conviction.

The applicant's explanation was accepted that his circumstances were now very different, and he had managed to transform his life. He was now married, had children, and had a responsible and regular job; he was very active in his local community and was also a football coach.

Having carefully weighed-up all the factors, the Sub-committee by a majority decision, determined that the applicant was a fit and proper person to hold a hackney and private hire vehicle driver's licence, although they wished to emphasise that any future problem may lead to action to revoke the licence.

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

The meeting commenced at 11:45 and concluded at 13:00.

GENERAL LICENSING SUB-COMMITTEE 23-01-23

Present:

Councillors: Councillor Annwen Hughes (Chair)
Councillors Edgar Owen and John Brynmor Hughes

Officers: Sion Huws (Senior Solicitor), Gwenan Mai Roberts (Licensing Manager)
and Lowri Haf Evans (Democracy Services Officer)

1. APOLOGIES

None to note

2. DECLARATION OF PERSONAL INTEREST

None to note

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

The Chair welcomed everyone to the meeting. He explained that the decision would be made in accordance with Cyngor Gwynedd'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:

- 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
- The safeguarding of vulnerable persons
- The public can be confident 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 asked to consider the application in accordance with the DBS record, the guidelines on relevant criminal offences and convictions, and the report of the DVLA.

The Licensing Authority recommended that the Sub-committee approved the application.

The applicant was invited to expand on the application and provide information about the background of the points on his licence and his personal circumstances.

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

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

- The requirements of 'Cyngor Gwynedd's Licensing Policy for Hackney Carriages and Private Hire Vehicles'
- the applicant's application form
- the Licensing Department's report, together with the DBS statement and the DVLA's report
- the applicant's verbal representations

Specific consideration was given to the following matters:

Background

In September 2022, the applicant received six penalty points on his driving licence for Breach of Requirements in relation to vehicle control, mobile phone etc.

RELEVANT CLAUSES OF THE POLICY

Section 12 of the Policy relates to motoring convictions, and 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 13.3 states that "More than one minor traffic conviction or other matter to be considered may result in a refusal, particularly where there are several convictions or other matters to be considered for the same offence e.g. speeding. It is possible that a licensed driver could be referred for the attention of the Licensing Sub-committee if there are more than two offences and/or a total of six points on a licence".

CONCLUSIONS

The Sub-committee considered the applicant's explanation of the circumstances that had led to the conviction, and the officers' recommendation to approve the application. Although the applicant had only lifted a telephone that had fallen, it was highlighted that using / holding a telephone while driving was a serious matter that was now illegal. However, the applicant's explanation of the specific circumstances of this incident was accepted.

The Sub-committee was pleased to note that the applicant accepted responsibility for the action and had honestly and openly admitted his mistake. The Sub-committee was also pleased to note that he had informed Anglesey Licensing Authority of the incident.

Given the circumstances of the crime, the Sub-committee was satisfied that there was nothing to suggest that the applicant would endanger customers when driving. Having carefully weighed all the factors, 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 2:00pm and concluded at 2:45pm

GENERAL LICENSING SUB-COMMITTEE 14-12-2022

Present:

Councillors: Councillor Annwen Hughes (Chair)
Councillors Gareth Jones and Gwynfor Owen

Officers: Sion Huws (Senior Solicitor), Gwenan Mai Roberts (Licensing Manager)
and Lowri Haf Evans (Democracy Services Officer)

1. APOLOGIES

None to note

2. DECLARATION OF PERSONAL INTEREST

None to note

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

The Chair welcomed everyone to the meeting. He explained that the decision would be made in accordance with Cyngor Gwynedd'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
- The safeguarding of vulnerable persons
- The public can be confident 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 asked to consider the application in accordance with the DBS record, the guidelines on relevant criminal offences and convictions, and the report of the DVLA.

The Licensing Authority recommended that the Sub-committee approved the application.

In response to the report, the applicant was asked why he had stated 'no' on his application form in response to a question regarding whether he had any previous convictions, cautions or ongoing charges. The applicant noted that he had not considered that an incident in 2007 would be classed as a 'criminal record' and he apologised for misunderstanding the question.

In response to the lack of reference to the motoring convictions in the report that had led to receiving 6 penalty points, the Licensing Officer stated that 6 points were considered a marginal matter although accepting that paragraph 13.3 of the policy noted 6 points as the expected total for policy purposes. She added that these convictions would have to be considered in reaching a decision.

The applicant was invited to expand on the application and provide information about the background of the penalty points, the background of the 2007 conviction and his personal circumstances. He noted that the incident in 2007 was a mistake, a historical, family incident. He added that he worked as a supervisor and that he had many responsibilities in the local community where he was required to behave professionally.

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

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, together with the DBS statement and the DVLA's report
- The applicant's verbal representations

Specific consideration was given to the following matters:

Background

In December 2007 the applicant was found guilty on two counts of assault causing actual bodily harm (ABH) contrary to the Offences Against the Person Act 1861.

In September 2020 he received a motoring conviction of 3 penalty points (SP30) for breaking the speed limit on a public road.

In March 2022 he received a motoring conviction of 3 penalty points (SP30) for breaking the speed limit on a public road.

RELEVANT CLAUSES OF THE POLICY

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 he will be expected to have been free of any conviction for an appropriate period as stated in the Policy, and to show evidence that he 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 states that when an applicant has a conviction(s) or there are other related matter(s) to be considered in connection with that, 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 normally 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 13 relates to minor traffic offences and mainly refers to offences that are not listed in paragraph 12.2 of the Policy. Paragraph 13.2 was considered which highlights 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 other matter to be considered could lead to refusal of an application, especially if there are several convictions or other matters to be considered for the same offence, e.g. speeding.

CONCLUSIONS

The Sub-committee concluded that the incident in 2007 related to a violent offence and accepted the applicant's explanation of the circumstances that had led to the conviction, namely a family argument under difficult circumstances. They accepted that he was very remorseful for what had happened and acknowledged the seriousness of the offence, and that he had been open and honest when discussing the application.

The officers' recommendation which was to approve the application was also considered. A much longer period than three years had passed since the conviction and no offence had been recorded since. The Sub-committee saw no reason not to follow the provisions of the policy in this case.

In the context of the motoring convictions, the applicant was reminded that he had 6 points on his licence and for him to be cautious. Another motoring conviction would necessitate another hearing.

The Sub-committee determined in favour of approving the application and that the applicant was therefore 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 2:00pm and concluded at 2:45pm

GENERAL LICENSING SUB-COMMITTEE 23-11-2022

Present:

Councillors: Councillor Annwen Hughes (Chair)
Councillors Rheinallt Puw and Arwyn Herald Roberts

Officers: Siôn Huws (Senior Solicitor), Gwenan Mai Roberts (Licensing Manager)
and Lowri Haf Evans (Democracy Services Officer)

1. APOLOGIES

None to note

2. DECLARATION OF PERSONAL INTEREST

None to note

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

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
- The safeguarding of vulnerable persons
- The public can be confident 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 asked to consider the application in accordance with the DBS record, the guidelines on relevant criminal offences and convictions, the report of the DVLA as well as the applicant's personal statement which was part of his application form. It was reported that there were no convictions on the DBS report but a notice on the driving licence as a result of

receiving 7 points. The Licensing Authority recommended that the Sub-committee approved the application.

The applicant was invited to expand on the application and provide information about the background of the points on his licence and his personal circumstances.

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.

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 which included a personal statement
- The Licensing Department's report, together with the DBS statement and the DVLA's report
- the applicant's verbal representations

Specific consideration was given to the following matters:

Background

In March 2020, the applicant received 3 penalty points for causing (or likely to cause) danger due to a load not roped on the back of a small lorry (CU50)

In July 2020, the applicant received 4 penalty points for breaking the statutory speed limit on a public road (SP30)

RELEVANT CLAUSES OF THE POLICY

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 he would be expected to have been free of any conviction for an appropriate period as stated in the Policy, and to show evidence that he 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 2.4 stated that when an applicant had a conviction(s) or there were other related matter(s) to be considered in connection with that, the Council could not review the merits of the conviction or the other matter.

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

Section 13 of the Policy related to minor traffic offences and mainly referred to offences that were not listed in paragraph 12.2 of the Policy. Paragraph 13.3 was considered, which stated 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 were several convictions or other matters to be considered for the same offence e.g. speeding and / or if there were more than two convictions and / or a total of 6 points or more on the licence.

CONCLUSIONS

The Sub-committee determined that the 2020 incidents amounted to minor traffic offences. Paragraph 13.2 of the Policy was considered, and the Sub-committee was of the opinion that these offences should not be grounds to refuse the application. The applicant's full, honest explanation was received over both cases and it was decided, as there was no pattern to the convictions, or a suggestion that the situation was unsafe, that the application could be approved. There was no evidence of further offences and the Sub-committee, in accordance with the Policy, was satisfied that an appropriate period of time had passed since both events.

The Sub-committee determined in favour of approving the application and that the applicant was therefore 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 2:00pm and concluded at 2:45pm

GENERAL LICENSING SUB-COMMITTEE 14-11-2022

Present:

Councillors: Councillor Annwen Hughes (Chair)
Councillors Huw Rowlands and Elfed Williams

Officers: Siôn Huws (Senior Solicitor), Gwenan Mai Roberts (Licensing Manager)
and Lowri Haf Evans (Democracy Services Officer)

1. APOLOGIES

None to note

2. DECLARATION OF PERSONAL INTEREST

None to note

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

The Chair welcomed everyone to the meeting. He explained that the decision would be made in accordance with Cyngor Gwynedd'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
- The safeguarding of vulnerable persons
- 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 according to 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 was invited to expand on the application and provide information about the background of the convictions on his licence and his personal circumstances.

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

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

- The requirements of 'Cyngor Gwynedd'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
- The applicant's verbal representations

Specific consideration was given to the following matters:

Background

In November 2011, the applicant had received 3 convictions:

- using a car without insurance contrary to the Road Traffic Act 1988 S.143 (2)). He received a fine of £120 and an endorsement on his licence.
- driving a car with excess alcohol contrary to the Road Traffic Act 1988 S.5 (1) (A) He received a fine of £120, costs of £85 and was disqualified from driving for 18 months
- driving a car otherwise than in accordance with the licence - that cannot be certified contrary to the Road Traffic Act 1988 S.87(1). He received a fine of £40, an endorsement on his licence and additional costs of £15.

In October 2013 the applicant received a conviction for shoplifting contrary to the Theft Act 1968 S. 1 and failure to surrender to custody on the time noted, contrary to the Bail Act 1976 S.6 (1). He was fined £50 with costs of £100 and additional costs of £20.

In June 2014, he received 3 convictions for;

- resisting or obstructing a Constable, contrary to the Police Act 1996 S.89 (2). He received a fine of £90
- using a vehicle without insurance, contrary to the Road Traffic Act 1988 S.143 (2). He was fined £110, costs of £85, and disqualified from driving for 12 months and additional costs of £20.
- driving otherwise than in accordance with the licence, contrary to the Road Traffic Act 1988 S.87(1). He received a fine of £50 and an endorsement on his licence.

RELEVANT CLAUSES OF THE POLICY

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 he will be expected to have been free of any conviction for an appropriate period as stated in the Policy, and to show evidence that he 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 states that when an applicant has a conviction(s) or there are other related matter(s) to be considered in connection with that, 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 which states that a serious view shall be taken of any conviction involving dishonesty. Paragraph 8.2 states that an application would normally be refused where the applicant has a conviction for a listed offence, and was convicted less than three years prior to the date of the application. It was noted that the list of offences included theft, 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.

Clause 12 of the policy deals with driving convictions and paragraph 12.4 states that an applicant with more than one major traffic offence within the last 5 years will normally be refused and no further application should be considered until a period of at least 3 years free from such convictions has elapsed or other matters for consideration.

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.

CONCLUSIONS

The Sub-committee concluded that as the applicant had several convictions that satisfied the criteria as individual convictions to grant a licence, however, consideration needed to be given to policy provisions dealing with repeat offending and the expectation that 10 years must elapse since the most recent conviction.

It was considered that the offences appeared to be very serious, especially as they concerned speeding, dishonesty and a lack of respect towards the police. Therefore, careful consideration was required whether there was a reason to justify approving a licence although ten years had not elapsed.

Consideration was given to the applicant's explanation for the incident and some weight was given to the fact that eight and a half years had elapsed since the last convictions were received in 2014. It was accepted that the applicant was young at the time, that the incidents had occurred within a period of three years to each other and following the incidents, there was a period of stability with no further offending. This, together with the fact that his personal circumstances had changed significantly and that he now had responsibility for two children. As a result, the sub-committee was of the opinion that these factors justified diverting from the expectation for 10 years to have elapsed.

Having carefully weighed up the information a majority decision was reached that the applicant was a fit and proper person to hold a hackney and private hire vehicle driver's licence. Nonetheless, the Sub-committee emphasised that the responsibility of driving a

taxi was a serious matter and he was expected to display the highest standard of conduct by doing so.

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

The Chair welcomed everyone to the meeting. She explained that the decision would be made in accordance with Cyngor Gwynedd'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
- The safeguarding of vulnerable persons
- The public have confidence in using licensed vehicles.

The Licensing Manager submitted a written report on the application received from Mr B for a hackney/private hire vehicle 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 together with a taxi driver's safety certificate. It was highlighted that the applicant had not declared any previous convictions on his application form. The Licensing Authority had recommended that the Sub-committee should refuse the application.

The applicant was invited to expand on the application and provide information about the background of the sentence, why he had not stated that he had previous convictions on his application form and his personal circumstances. He explained that he had served 1 month in prison and he then had to wear a tag as his friend had threatened a witness by using his phone. He also highlighted that he had only one conviction /incident and not convictions / incidents as noted in the report. He apologised for not disclosing the offence on his application form and explained that he was not good at completing forms.

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

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

- The requirements of 'Cyngor Gwynedd'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

Specific consideration was given to the following matters:

Background

In August 2008 the applicant was found guilty of intimidating a witness or juror with the intention of preventing, perverting or intervening with the course of justice contrary to the Criminal Justice and Public Order Act 1994 S.51 (1) and he received a sentence of imprisonment for 6 months.

RELEVANT CLAUSES OF THE POLICY

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 he will be expected to have been free of any conviction for an appropriate period as stated in the Policy, and to show evidence that he 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.

Clause 2.3 of the Policy notes that any criminal convictions may be considered, or other matters that deal with the suitability and propriety of the applicant. Consequently, the offence whereby the applicant was found guilty was a very serious offence, one that justified a sentence of 6 months imprisonment.

Paragraph 2.4 states that when an applicant has a conviction(s) or there are other related matter(s) to be considered in connection with that, the Council cannot review the merits of the conviction or the 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 normally 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.

CONCLUSIONS:

The Sub-committee came to the conclusion, as 14 years had elapsed since the applicant was convicted, that the three-year threshold under the Policy had obviously elapsed. There were no previous convictions or subsequent convictions. Despite the explanation for the incident in 2008, the sub-committee was not totally clear what the circumstances were and the applicant had to accept responsibility for loaning his phone to his friend to threaten a witness. However, as a sufficient period of time had elapsed since the offence, there were no compelling reasons for not following policy guidelines in this case.

The Sub-committee determined in favour of approving the application and that the applicant was a fit and proper person to hold a hackney and private hire vehicle driver's licence for a year.

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

7. APPLICATION FOR A HACKNEY/PRIVATE HIRE DRIVER'S LICENCE – Mr C

The Chair welcomed everyone to the meeting. He explained that the decision would be made in accordance with Cyngor Gwynedd'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
- The safeguarding of vulnerable persons
- The public have confidence in using licensed vehicles.

The Licensing Officer presented a written report on the application received from Mr C for a hackney/private hire driver's licence. The Sub-committee was asked to consider the application in accordance with the DBS record, and the guidelines on relevant criminal offences and convictions, and the report of the DVLA.

The applicant was invited to expand on the application and provide information about the background of the environmental offence and his personal circumstances. In response to a question as to why the details of the environmental offence had not been included on the application form, the applicant's representative noted that the environmental offence had not been considered relevant to a taxi driver's application.

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

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

- The requirements of 'Cyngor Gwynedd's Licensing Policy for Hackney Carriages and Private Hire Vehicles'
- the applicant's application form
- The Licensing Department's report, together with the DBS statement and the DVLA's report
- the applicant and his representative/prospective employer's verbal representations

Specific consideration was given to the following matters:

Background

In July 2019, the applicant was found guilty of an offence of operating a regulated facility without an environmental permit; Environmental Permitting (England and Wales) Regulations 2007 Regulation 38(1) (a).

In September 2020, the applicant received 3 penalty points for breaking the statutory speed limit on a public road (SP30)

RELEVANT CLAUSES OF THE POLICY

Although the Policy does not refer specifically to offences related to Environmental Offences, such offences are relevant for consideration. Every offence carried out by a Person who wishes to be a Taxi Driver, is relevant for consideration if the applicant is 'a fit and proper person'. Officers were of the opinion that operating a Regulated Facility without an environmental permit was a serious matter.

Section 13 relates to minor traffic offences and mainly refers to offences that are not listed in paragraph 12.2 of the Policy. Paragraph 13.2 was considered which highlights that one conviction for a minor driving offence could lead to an application being refused.

CONCLUSIONS

The Sub-committee concluded that the SP30 offence was not a problem in considering the provisions of the policy - the SP30 offence did not take the applicant's total over the 7 point limit noted in the Cyngor Gwynedd Speeding Policy before it affected the application or an application to renew the Taxi Driver's Badge.

Although the environmental offence was not noted in the policy, the Sub-committee considered that over 3 years had elapsed since the offence as well as the fact that the offence had no connection to driving a taxi.

The Sub-committee determined in favour of approving the application and that the applicant was a fit and proper person to hold a hackney and private hire vehicle driver's licence for a year.

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

The meeting commenced at 2:00pm and concluded at 4:30pm.

GENERAL LICENSING SUB-COMMITTEE 08-11-2022

Present:

Councillors: Councillor Annwen Hughes (Chair)
Councillors Gareth T Jones and Edgar Owen

Officers: Sion Huws (Senior Solicitor), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democracy Services Officer)

1. APOLOGIES

None to note

2. DECLARATION OF PERSONAL INTEREST

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

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
- The safeguarding of vulnerable persons
- 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, as well as the medical certificate, the applicant's personal statement and references. The Licensing Authority had recommended that the Sub-committee should refuse the application.

In response to the presentation of the Licensing Manager, the applicant's representative asked the Licensing Manager to confirm that the passenger in the 2019 case had not come to any harm or made any formal complaint to the Police about the driver's behaviour. In response, the Licensing Manager noted that the evidence had been challenged at the Magistrate' Court and although there had been no conviction, the Judge had determined that the evidence was credible.

The applicant's representative suggested that the passenger's impressions were very different to those of the driver in the 2019 incident. In response, the Licensing Manager, although confirming that there had been no further action by the Police, noted that a recording of the situation on the evening had been submitted as evidence and that 'general behaviour' was a consideration, although there had been no conviction.

In response, the applicant's representative noted that a caution by the Police was not a conviction but, in response, the Licensing Manager noted that evidence of a caution was sufficiently strong in this case.

The applicant was invited to expand on his application and provide information about the background of the caution on his licence and his personal circumstances. A mixture of 37 references had been submitted by friends, colleagues, neighbours and service users. He noted that he regretted the incidents in 2018 and 2019 and that he acknowledged that he had behaved appallingly. At the time, he was under strain although he accepted that this was no excuse for his behaviour. He appreciated that drivers had to be reliable and that the sub-committee played an important part in ensuring this.

He shared examples of the work and community responsibilities he had undertaken since the incidents, which included attending a course on ensuring public safety. He stated his wish to put the past behind him and focus on moving forward by prioritising his business and his family. He thanked his staff for their support in carrying on the business through a difficult period. He referred to his work as a licensed travel supervisor for the county's Education Department. He noted that the department had approved a travel supervisor licence for him and that no complaints had been received about his work. He referred to a specific case as an example of the responsibilities required to be a travel supervisor.

In response to a question regarding how he would set an example to his drivers as an employer and manage his behaviour, he noted that he had made every effort to improve himself since the incidents in 2018 and 2019, especially as people paid for his service that they expected better.

Having summarised his application, the applicant's representative proposed to the sub-committee, should the application be approved, that a 12 month licence was approved so that the applicant could prove himself and build a relationship with the Licensing Unit.

In response, should the applicant be granted a licence, the Licensing Manager noted that the expected standard was the same in all cases. She reiterated that there was flexibility in the Act to consider a period that was less than 3 years.

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

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

- The requirements of 'Cyngor Gwynedd'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 DVLA's report
- The applicant's verbal representations
- The applicant's medical form
- Personal Statement from the applicant
- The applicant's references

Specific consideration was given to the following matters:

Background

In May 2018, the hackney/private hire driver's licence was revoked with immediate action in order to safeguard the public, in accordance with the provision of section 61(1) (b) of the Local Government (Miscellaneous Provisions) Act 1976 following a violent incident. The applicant was issued a caution by the Police for the common assault, which was contrary to section 39 of the Criminal Justice Act 1988

In September 2018, a new application for a hackney/private hire driver's licence was received from the applicant. The application was referred to the Sub-committee for a decision with a recommendation to refuse in accordance with the Council's Suitability Criteria for Drivers and Operators policy. The Sub-committee resolved to approve the application.

In March 2019, the applicant's taxi driver's licence was revoked in order to safeguard the public, in accordance with the provision of section 61(1) (b) of the Local Government (Miscellaneous Provisions) Act 1976, following an alleged physical assault on a customer. He was not convicted for the incident.

In July 2019, the applicant brought an appeal under section 52 of the Local Government (Miscellaneous Provisions) Act 1976 against the decision of the Licensing Service Officer to revoke his licence in March 2019. At Caernarfon Magistrates' Court, he lost his appeal case and the judge confirmed that the evidence used by the Council to reach a decision to revoke the taxi driver's licence was the right decision.

In January 2020, another application was received for a hackney/private hire driver's licence from the applicant. The application was referred to the Sub-committee in February 2020 and it was resolved to refuse the application. Following the decision, the applicant brought an appeal under section 52 of the Local Government (Miscellaneous Provisions) Act 1976 against the decision. At an interim hearing in September 2020, the Magistrates' Court decided that the conclusions of the first appeal stood as evidence and that the applicant may not try to re-challenge the facts surrounding the assaults, as that would amount to abuse of the court process. In December 2020, the applicant applied to withdraw his appeal and the Judge accepted his application.

RELEVANT CLAUSES OF THE POLICY

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 he will be expected to have been free of any conviction for an appropriate period as stated in the Policy, and to show evidence that he 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 states that when an applicant has a conviction(s) or there are other related matter(s) to be considered in connection with that, 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 6.2 notes that anyone found guilty of an offence relating to violence is unlikely to be granted a licence until they have been free from such a conviction for a minimum of three years. However, when considering the range of offences relating to violence, the nature of the offence must be considered.

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 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.

CONCLUSIONS

In accordance with policy provisions, the Sub-committee concluded that the required three years had elapsed since the 2018 conviction and the 2019 incident. In considering the matter of re-offending and finding that both incidents were of the same nature, the provisions of para.6.6 of the policy were relevant. Therefore, consideration had to be given to approving the licence even though ten years had not elapsed since the previous conviction / relevant matter.

An explanation was received by the applicant and his reasons for his behaviour. The Sub-committee was pleased to hear him admitting that he was at fault and acknowledging that his behaviour was totally unacceptable; however, whatever the personal circumstances, they were no excuse for the assault in 2018. Similarly, the Sub-committee was pleased that the applicant admitted that he should have responded differently to the incident in 2019.

Consideration was given to the applicant's work as a licensed passenger supervisor, who was responsible for assisting taxi drivers who carried vulnerable passengers/children on Cyngor Gwynedd school contracts. It was also considered that he had been granted Security Industry Authority Licence and, in order to meet licence requirements, he had undertaken a full week of courses, which included people management, first aid, how to diffuse potential aggressive situations and public protection.

Consideration was given to examples of difficult situations the applicant had dealt with and that no further complaints had been received regarding his behaviour. The proposal of issuing a licence for an initial one-year period instead of the usual three, was also considered.

The Head of Environment Department recommended to refuse the application. Although there had not been any further violent incidents since 2019, officers of the Licensing Unit were not convinced that the applicant had learnt from the incidents. It was noted that only five months had elapsed since approving the licence in October 2018 after his licence was revoked by the authority earlier that year - these facts supported officers' opinion and suggested a tendency to reoffend.

Having carefully weighed up all the presentations and evidence, the Sub-committee resolved that they accepted that the applicant acknowledged that his behaviour had been totally unacceptable and that he was genuinely full of regret. Evidence submitted of positive actions taken by the applicant, such as the Security Industry course, supported his application.

Having received a majority vote, the Sub-committee resolved to approve the application and that the applicant was a fit and proper person to hold a hackney and private hire vehicle driver's licence. However, the proposal to approve the licence for one-year only was accepted, emphasising that the expected standard of behaviour was exactly the same as that of a three-year licence.

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

The meeting commenced at 10:00am and concluded at 12:05pm

Agenda Item 8

COMMITTEE	GENERAL LICENSING COMMITTEE
DATE:	12 June 2023
TITLE:	PROPOSED TAXI LICENCE FEES 2023/24
PURPOSE:	TO APPROVE THE PROPOSED FEES FOR PUBLIC CONSULTATION
AUTHOR:	HEAD OF ENVIRONMENT DEPARTMENT

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 decided 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 to set the fees at a level which will allow it to recover the 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.
- 1.5 A report was presented to this Committee in March 2021, with a recommendation that all taxi fees be increased only in line with inflation at the time, which was 2.59%. The fees were reviewed at the time, and although a 2.59% increase was not enough to fully recover the Council's costs for administrating and processing Taxi licences, the Licensing Authority was of the view that the taxi industry had faced significant losses during the lockdowns of the Covid crisis; and thus, it was decided not to recommend the full recovery of costs. For these reasons, this Committee resolved on 15th March 2021 not to increase taxi licensing fees at all beyond the level set in 2018/19.

2 EFFECT OF THE INCREASE IN COSTS OF LIVING

- 2.1 Several global factors and some that are unique to the UK have negatively affected the economy, which has led to a substantial increase in living costs. The rate of inflation, which currently stands at 8.7%, has increased significantly over the past 18 months which has a negative impact on our citizens, taxi firms and also places pressure on the Council's provision of services.
- 2.2 The Licensing Authority recognises that vehicle maintenance costs, insurance costs and fuel costs have been rising over the past 18 months, and that the situation has been

difficult for the taxi industry as it emerged from the effects of the global Covid pandemic.

- 2.3 Nevertheless, there are signs that fuel prices are stabilising and dropping slightly, and it is important that the licensing authority takes all these factors into account.

3. FINANCIAL ASSESSMENT AND PROPOSAL FOR 2023 - 24

- 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. This Committee rejected the recommendation to increase fees to a level that equated to the inflation level at the time in 2021.
- 3.2 As the members of this Committee are aware, the huge increase we have witnessed in inflation has left a significant financial deficit in the Council's coffers; and the licensing service like all the Council's other services has recently had to identify options for realising significant savings and cuts to budgets.
- 3.3 The licensing team is very small; and in order to save jobs and our ability to provide the same level of service by recovering the actual costs of providing the taxi licensing service - the Cabinet has voted in favour of allowing the Licensing Unit to proceed to recover costs in full.
- 3.4 We must bear in mind of course, as already noted; that taxi fees cannot be increased for the purpose of raising income; only for the purpose of recovering the costs of receiving, processing and administering licences.
- 3.4 It is not only inflation that has increased the costs of providing the taxi licensing service. There are also factors such as officers' training needs, the costs of advertising and consulting on fee changes, and an increased level of checks required to ensure the suitability of drivers, vehicles and operators.
- 3.5 There are changes on the horizon, 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; as well as incorporating the proposed far-reaching changes that are likely to emerge from the Welsh Government's White Paper consultation on how the taxi industry is regulated.
- 3.6 Having considered all the factors noted, we believe there is not much choice but to increase the fees if we are to maintain the service that is expected by the public and the industry.
- 3.7 The deficit in the income received for the different taxi licences varies; depending on the extra effort that takes place in processing applications and verifying compliance. The fee levels recommended to allow for the recovery of costs means an average increase of 12%. Please see the enclosed table for details of the proposed fees.

3.2 TABLE OF CURRENT AND PROPOSED FEES

proposed taxi fees	current fee £	Proposed fee £ 2023/24
one year driver's licence	233	254
3 year driver's licence	270	353
new HACKNEY vehicle licence	232*	259
renewal of HACKNEY vehicle licence	197*	213
Fee for transfer of HV licence to a new owner	75	75
New PH licence	268*	295
Renewal of PH licence	197*	213
Fee for transfer of PH licence to a new owner	75	75
One year operator's licence	236	257
3 year operator's licence	275	300
5 year operator's licence	329	358

*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 designated 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 in September 2023, 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.