



Complete Agenda

Democratic Services
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

GENERAL LICENSING COMMITTEE

Date and Time

10.30 am, MONDAY, 4TH DECEMBER, 2023

Location

Virtual Meeting

NOTE

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

Contact Point

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(DISTRIBUTED 27 November 2023)

GENERAL LICENSING COMMITTEE

MEMBERSHIP (15)

Plaid Cymru (10)

Councillors

Alan Jones Evans
Gareth Tudor Jones
Edgar Wyn Owen
Arwyn Herald Roberts
Elfed Williams

Annwen Hughes
Linda Ann Jones
Gwynfor Owen
Huw Rowlands
Vacant Seat

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. APOLOGIES

To receive any apologies for absence.

2. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest.

3. URGENT ITEMS

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

4. MINUTES

4 - 6

The Chairman shall propose that the minutes of the meeting of this Committee, held on 25th September 2023 be signed as a true record.

5. GENERAL LICENSING SUB-COMMITTEE MINUTES

7 - 13

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

- a) 26th October 2023
- b) 30th August 2023

GENERAL LICENSING COMMITTEE 25 September 2023

Present: Councillor Elfed Williams (Chair)
Councillor Gwynfor Owen (Vice-chair)

Councillors: Anwen Davies, John Brynmor Hughes, Gareth Tudor Jones, Eryl Jones-Williams, Edgar Wyn Owen, Huw Rowlands, Angela Russell, and Gareth Williams.

Officers: Gareth Jones (Assistant Head - Environment), Gwenan Mai Roberts (Licensing Manager) and Lowri Haf Evans (Democracy Services Officer).

1. APOLOGIES

Apologies were received from Councillors Alan Jones Evans, Annwen Hughes, Linda Ann Jones and Arwyn Herald Roberts.

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 12 June 2023, as a true record.

5. MINUTES OF THE GENERAL LICENSING SUB-COMMITTEES

Submitted and received, for information, the minutes of the General Licensing Sub-committees held on 21 April 2023 and 14 July 2023 as true records.

6. PROPOSED TAXI LICENCE FEES 2023/24

A report was submitted requesting the Committee to approve the proposed taxi licence fees for 2023/24. Members were reminded that the Committee's decision on 12 June 2023, was to approve increasing the taxi licence fees subject to a full public consultation, in accordance with the statutory requirements.

It was reported that it was a requirement for the Council to review its fees in respect of taxi licensing (i.e., hackney carriage licences, private hire vehicle licences, private hire operator and driver licences) on a regular basis and in 2013 this Committee resolved that the taxi fees would be reviewed annually.

It was explained that Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976, note that fees may be charged at a level sufficient to recover 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.

It was noted that the industry had received a letter outlining the proposed changes to fees and a public notice had appeared in the local press on 20 July 2023. The consultation period expired on 18 August and it was reported that one objection had been received expressing concern that the increase in fees would:

- make things difficult for companies to attract new drivers to apply for taxi operator licences due to the costs involved with the licensing process.
- there were already a shortage of taxis in Pwllheli and Pen Llŷn.
- the industry was continuing to recover their businesses following a significant reduction in income during Covid.
- the costs of the Licensing Unit were likely to have decreased as companies now used the online self-service system to submit applications.

Gratitude was expressed for the report.

In response to a question regarding the operating rights across the County, it was noted that every taxi driver had the right to operate across Gwynedd, however issues / conflict / complaints arose when a taxi operated on another 'local' taxi rank. Outside Gwynedd, it was noted that any company had the right to operate across Counties, however booking was essential.

In response to a question regarding using the proposed substantial increase in the 3-year licence, it was accepted that this was the biggest increase that was recommended due to the work of ensuring that a driver is a fit and proper person (that will also in the future be in line with the Welsh Government's statutory requirements, including checking tax payments).

In response to a question regarding how Gwynedd compared with other Councils across North Wales, it was reported that Gwynedd was cheaper than Conwy County Borough Council but more expensive than Cyngor Ynys Môn: on average Gwynedd fees lay mid-table.

In response to a comment that a statutory consultation had been undertaken and although it had been advertised in the Daily Post only one objection had been received, it was reported that the Licensing Unit had communicated with the taxi industry prior to the consultation and several companies by now had accepted that costs were increasing. It was added that the industry itself was increasing their costs.

During the ensuing discussion, the following observations were made by Members:

- A decision had been made during Covid-19 to refuse increasing the fees as a means of protecting the industry; it would be timely to increase the fees now.
- Appreciation of the industry was highlighted for its service during Covid-19.
- There was concern that drivers and taxi companies in Penllyn would be lost due to significant increase in costs.
- Some companies refused short journeys - the fixed rate of 2 miles was unpopular within the industry (although it was aimed at vulnerable / needy persons).
- It had to be ensured that the increase paid the service costs.

It was proposed and seconded to raise the fees

RESOLVED:

That the Committee finally approves the proposal to raise the fees with effect from the 1 October to the recommended level in accordance with the procedure outlined following the public consultation.

The meeting commenced at 10.00 and concluded at 10.30.

GENERAL LICENSING SUB-COMMITTEE 26-10-23

Present:

Councillors: Councillor Elfed Williams (Chair)
Councillors Edgar Owen and Gareth Williams

Officers: Sion Huws (Senior Solicitor), Nicola Williams (Licensing Officer) and Lowri Haf Evans (Democracy Services Officer)

Others invited: Councillor Alan Jones Evans (Observing)

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 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 safeguarded
- Vulnerable people are safeguarded
- 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 requested to consider the application in accordance with the 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 noted that both cases had happened when he was young - about 27 years ago - historical, and nothing since then. By now, he was self-employed, a father and a grandfather.

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 report of the Licensing Department
- DBS Statement
- The report of the Driver and Vehicle Licensing Agency (DVLA)
- The applicant's application form
- Verbal observations by the applicant

Specific consideration was given to the following matters

Background

In November 1992, he received a conviction for a crime of causing actual bodily harm contrary to the Offences Against the Person Act 1861.

In September 1996, he received a conviction for a crime of causing actual bodily harm contrary to the Offences Against the Person Act 1861.

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 applicant had a responsibility 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 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.

Paragraph 6.2 noted that anyone found guilty of an offence relating to violence was unlikely to be granted a licence until they had been free from such a conviction for a minimum of three years. However, when considering the range of offences involving violence, consideration must be given to the nature of the offence.

Paragraph 6.6 of the Policy stated that an application would normally be refused if an applicant had more than one conviction for an offence of a violent nature within the last ten years.

CONCLUSIONS

The Policy's provisions, the applicant's explanation of his circumstances and the Licensing officer's recommendation were considered to approve the application.

Under the authority's policy, it was considered that enough time had elapsed since the last conviction to consider granting the licence. The Policy noted that there was a requirement for at least 10 years to have passed - in this case, 27 years had passed. The Sub-committee considered the evidence given in the hearing, the fact that the applicant did not have any further history of crime or any evidence of other relevant problems. There was therefore no reason to refuse the application.

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.

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

The Chair welcomed everyone to the meeting. He 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 safeguarded
- Vulnerable people are safeguarded
- 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 requested to consider the application in accordance with the relevant convictions. It was noted that the applicant was a Licensed Hackney/Private Hire Driver until 02-01-2023, but he did not renew his licence. It was reiterated that he had not stated his penalty points on his application, but he had written a note stating that he had six penalty points.

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 penalty points that he received for speeding. He noted that he accepted that both cases were close to each other and apologised for that. He reiterated that the reason for this was lack of concentration - doing 33mph in one case and 34mph in another case in a 30mph zone.

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 report of the Licensing Department
- DBS Statement
- The report of the Driver and Vehicle Licensing Agency (DVLA)
- The applicant's application form
- Verbal observations by the applicant

Specific consideration was given to the following matters

Background

In February 2022, the applicant received three penalty points (SP30) for breaching the speed limit on a public road - these points expire in February 2025.

In December 2022, the applicant received three penalty points (SP30) for breaching the speed limit on a public road - these points expire on 19 December 2025.

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 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 applicant had a responsibility 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 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 stated 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. A licensed driver may be referred to the Licensing Sub-committee where there are more than two offences and/or a total of six points on a licence."

CONCLUSIONS

The Policy's provisions, the applicant's explanation of the circumstances and the Licensing officer's recommendation were considered to approve the application.

Under the authority's policy, the evidence provided by the applicant and that he had been driving at a speed of 34 and 33 m.p.h in 30 m.p.h zones were considered. He had acknowledged that these were mistakes and apologised.

The Sub-committee determined in favour of granting 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 3:15pm and concluded at 4:00pm

GENERAL LICENSING SUB-COMMITTEE 30-08-23

Present:

Councillors: Councillor Elfed Williams (Chair)
Councillors Annwen Hughes 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 HACKNEY/PRIVATE HIRE VEHICLE DRIVER'S LICENCE - Ms A

The Chair welcomed everyone to the meeting. He 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
- Vulnerable persons are protected
- The public can be confident 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 relevant convictions.

The Licensing Authority recommended that the Sub-committee should approve the application. It was noted that the applicant had declared the speeding points on her application.

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. It was noted that the applicant had extensive experience of driving and now wished to be a taxi driver since she felt that her job driving a HGV was not suitable for her any longer. The intention of employing her to do work during school hours and a few hours during weekends was also noted if their application was approved.

It was reiterated that discussions held prior to presenting the application with the Licensing Officer highlighted the penalty points and confirmation that the applicant had received a three-year hackney/private hire licence by Anglesey County Council in August 2023.

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 report of the Driver and Vehicle Licensing Agency (DVLA)
- Verbal observations by the applicant's representative

Specific consideration was given to the following matters.

Background

In July 2020 the applicant received 3 penalty points for breaking the statutory speed limit on a public road. The relevant period of these points came to an end on the 3 July 2023.

In March 2021 the applicant received 6 (SP30) penalty points instead of 3 regular points since they were driving a HGV. These points expire in December 2025.

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 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/she is a fit and proper person to hold a licence. The onus was on the applicant to prove that he/she 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.

Section 13 relates to minor traffic offences and mainly refers to offences that are not listed in paragraph 12.2 of the Policy and Paragraph 13.1 defines a 'minor traffic offence' as an offence that receives 1 - 3 penalty points. Paragraph 13.3 is considered that 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. A licensed driver may be referred to the Licensing Committee where there are more than two offences and/or a total of six points on a licence."

CONCLUSIONS

Having considered the Policy's provisions and the applicant's explanation of the circumstances that led to receiving the penalty points in 2020 and 2021 and the licensing officers' recommendation, the Sub-committee was of the opinion that it was appropriate to approve the application.

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.

The meeting commenced at 11:25 and concluded at 11:50.