

GENERAL LICENSING COMMITTEE
11 November 2024

Attendance:

Chair: Councillor Elfed Williams
Vice-chair: Councillor Gwynfor Owen

Councillors: Anwen Davies, Annwen Hughes, John Brynmor Hughes, Gareth Tudor Jones, Linda Ann Jones, Edgar Wyn Owen, Huw Rowlands, Elfed Williams (Chair), Arwyn Herald Roberts, Angela Russell and Gareth Williams

Officers: Gareth Jones (Assistant Head of Environment Department), Gwenan Mai Roberts (Licensing Manager), Sion Huws (Propriety and Elections Manager - Legal Department), Nia Gridale (Legal Service Manager) and Lowri Haf Evans (Democracy Services Officer)

1. APOLOGIES

Apologies were received from Cllr Alan Jones Evans and Cllr Hefin Underwood

2. DECLARATION OF PERSONAL INTEREST

None to note

3. URGENT ITEMS

None to note

4. MINUTES OF THE PREVIOUS MEETING

The Chair signed the minutes of a meeting of the committee held on 10 June 2024 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 7 May 2024, 10 June 2024, 4 September 2024 and 8 October 2024

6. DELEGATION OF RIGHTS TO DETERMINE APPLICATIONS FOR TAXI LICENCES

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

Attention was drawn to the Constitution's wording that set out a specific procedure in terms of which decisions were delegated to officers; and which decisions fell under the Sub-committee's responsibilities. Members were reminded that a report had been submitted to the December 2019 committee meeting outlining the arrangements with initial options for reviewing the procedures for delegating decisions. During the Committee, members agreed that the General Licensing Sub-Committees should still be able to award decisions in an objective and rational manner where the applications, by their nature, justified a decision by the Sub-Committee. The Legal Service and the Licensing Service were given the right to investigate further to address the disadvantages of the current system while at the same time preserving the resilience, fairness and transparency of the current system.

It was reported that the delegation of decisions varied from Council to Council and that this had also been taken into account when reviewing the system. From Cyngor Gwynedd's perspective, it was considered that the Sub-committee had an important role in considering and deciding applications that were contrary to any policy in operation at the time; such as the current policy that provided guidance on determining whether an individual was fit and proper to hold a taxi driver's licence (Suitability Criteria for Drivers and Operators Policy). It was also noted that there needed to be explicitness in terms of defining the circumstances in which an application should be referred to the Sub-committee.

It was noted that if the Committee approved the amendments, they would be submitted for final approval by the Full Council as part of a report by the Monitoring Officer on the Review of the Constitution.

Thanks were expressed for the report.

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

- Welcomed the change – there was no point in submitting an application to a sub-committee unnecessarily – this would ease an unnecessary workload for the sub-committee and officers
- The need to ensure a fair and transparent process
- It should be ensured that the applicant was aware of their right to appeal - this needed to be clearly highlighted, together with the circumstances of what would be referred to a sub-committee
- That the changes responded to the need more swiftly – avoided delays in the process of awaiting a decision on applications
- Accept that the Sub-Committee would deal with the most contentious requests
- Collaboration with the Police was key to the process, particularly in the context of information regarding offences and the submission of evidence
- It would be beneficial to hold a training session for members – and ask the service whether this could be arranged with Mr J Button who offered Specialist Licensing Training

In response to an observation regarding the applicant's right to appeal the officer's decision, and that the procedure for challenging that decision was appropriate and fair, it was noted that the right of legal appeal to a Magistrates Court already existed in relation to all applications, although this took time. It was considered that establishing a procedure of appeal to a Sub-Committee would be an additional step, but an effective step; these circumstances would need to be highlighted and the options clearly explained.

In response to a question about the time taken to process an application, and the desirability of reducing time in the process, the Licensing Manager noted that the service had a performance indicator that highlighted the time taken to process applications. It was reported that the average administrative processing time had now reduced to approximately

5 - 7 days, although applications involving DBS checks significantly delayed the process. Verifying and translating reports, together with the arrangements for the Sub-committee and publishing the agenda added at least three weeks to the process. The delegation arrangements would certainly shorten the processing time of applications which were in accordance with the Suitability Criteria for Drivers and Operators Policy

RESOLVED: To approve amending the procedure for delegating decisions to the Sub-Committee.

Rights Delegated to the Head of Environment Department: review clause 11.3.5 as follows-

Exercising the Council's powers in the field of hackney and private hire vehicle licensing except for the following matters which are the responsibility of the Sub-committee of the General Licensing Committee.

- **Determining an application for a hackney/private hire driver's licence when the report of the Criminal Records Bureau discloses a conviction or police caution, and where the application is contrary to the Authority's policy.**
- **Determining an application for a hackney/private hire vehicle licence where the vehicle does not comply with the authority's policy.**
- **Determining an application for a private hire operator's licence when the report of the Disclosure and Barring Service discloses a conviction or police caution, and where the application is contrary to the Authority's policy.**
- **The procedure to ensure that the decision is delegated to an officer in circumstances where the individual's criminal history, or any matter to be considered, is contrary to policy.**
- **That the Head has discretion under the Delegation Scheme to refer any request for a Sub-Committee hearing where circumstances warrant doing so: the changes will not affect that right.**

To submit the amendments to the Monitoring Officer for their inclusion as part of the 'Review of the Constitution' to be submitted for final approval by the Full Council.

The meeting commenced at 10:00 and concluded at 10:40.