



# Complete Agenda

**Democratic Services**  
Swyddfa'r Cyngor  
CAERNARFON  
Gwynedd  
LL55 1SH

Meeting

**GENERAL LICENSING COMMITTEE**

Date and Time

**10.00 am, MONDAY, 10TH MARCH, 2025**

Location

**Virtual Meeting**

**NOTE**

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

Contact Point

**Lowri Haf Evans**

**01286 679 878**

**[lowrihafevans@gwynedd.llyw.cymru](mailto:lowrihafevans@gwynedd.llyw.cymru)**

(DISTRIBUTED 3<sup>rd</sup> March 2025)

# **GENERAL LICENSING COMMITTEE**

## **MEMBERSHIP (15)**

### **Plaid Cymru (10)**

#### Councillors

Alan Jones Evans  
Gareth Tudor Jones  
Gwynfor Owen  
Huw Rowlands  
Vacant Seat x 2

Annwen Hughes  
Edgar Wyn Owen  
Arwyn Herald Roberts  
Elfed Williams

### **Independent (5)**

#### Councillors

Gareth Williams  
Anwen J. Davies  
Hefin Underwood

Angela Russell  
John Brynmor Hughes

### **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 11<sup>th</sup> November 2024 be signed as a true record.

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

7 - 16

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

- a) 17-12-24
- b) 02-12-24
- c) 13-11-24

## **6. REVIEW OF CYNGOR GWYNEDD TAXI POLICIES**

17 - 23

To consider the report, review the policy in accordance with the principles agreed in 2017, and to align with national Standards, and consider any other issues that should be addressed in respect of the high-level direction of the policy as part of the review.

---

## 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 Grisdale (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 Cynfor 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.

---

## GENERAL LICENSING SUB-COMMITTEE 17-12-24

---

### Attendance:

**Councillors:** Annwen Hughes (Chair), Edgar Owen and Linda Ann Jones

**Officers:** Nia Grisdale (Legal Service Manager), Gwenan Mai Roberts (Licensing Manager), Tomos Wyn Jones (Public Protection Enforcement Officer), Rhian Medi (Licensing Compliance Officer) and Lowri Haf Evans (Democracy Services Officer)

### Others invited:

**Applicant - Mr A**  
**Mr A's Representative / Employer**

#### 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
- Vulnerable persons are protected

- The public have confidence in using licensed vehicles.

The Licensing Manager presented the written report on the application received from Mr A for a hackney/private hire driver's licence. The Sub-committee was requested to consider the application in accordance with the 'other issues' relating to an individual's suitability to be a driver of a hackney/private hire vehicle.

The Licensing Authority recommended that the Sub-committee should refuse the application because the applicant's conduct in a recent collision did not meet the standard expected of a taxi driver.

The applicant's representative was invited to expand on the application and provide information about the background of the collision and the applicant's personal circumstances. He noted that the applicant had been a reliable taxi driver since 2010 and that no complaint had been received about his driving. It was explained that although the applicant left the scene of the accident, he had done so for understandable reasons and had contacted his employer to deal with the incident.

In response to a question as to why the police had not brought proceedings against the applicant, it was noted that while the police had responded to the incident, it was confirmed by letter that there would be no further action.

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

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

- The requirements of 'Cyngor Gwynedd's Licensing Policy for Hackney Carriages and Private Hire Vehicles'
- The report of the Licensing Department
- The applicant's application form
- DBS Statement
- The report of the Driver and Vehicle Licensing Agency
- Driver Licence Revocation
- Closed Circuit Television (CCTV) evidence
- Verbal representations made by the applicant's representative

Specific consideration was given to the following matters

## **Background**

In August 2024, a notice was issued to the applicant under section 61 of the Local Government (Miscellaneous Provisions) Act 1976 that immediately revoked the applicant's taxi driving licence – on the basis of CCTV evidence of a collision.

The applicant had driving offences spanning more than 10 years, with one minor traffic offence resulting in 3 points for speeding which remained on his licence.

## **RELEVANT CLAUSES OF THE POLICY**

Paragraph 1.5 of the Council's Policy was considered where it stated that if applicants did not disclose any convictions; notices; penalty notices, orders or previous reprimands on their application form, including any pending court proceedings or other matters, they would be referred to the attention of the Licensing Committee for a decision.



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

## **CONCLUSIONS**

The Sub-committee was of the opinion that the applicant had caused a collision and although he had initially remained with the individual, he left the scene of the accident with others caring for the individual so that he could continue with his work of transporting a customer. Leaving the scene of an accident was considered an offence and the Sub-committee was not of the opinion that this was the action of a responsible taxi driver, therefore highlighting that he was not a fit and proper person to hold a licence in accordance with the Licensing Organisation's Policy and Guidance.

The Solicitor reported that the decision would be confirmed formally by letter to the applicant and the comments from the Applicant's Representative regarding the hearings procedure would be considered.

The meeting commenced at 10.00 and concluded at 11.10.

---

## GENERAL LICENSING SUB-COMMITTEE 02-12-24

---

### Attendance:

**Councillors:** Elfed Williams (Chair), Gareth T Jones and Gwynfor Owen

**Officers:** Nia Grisdale (Legal Service Manager), Rhian Medi (Licensing Compliance Officer) and Lowri Haf Evans (Democracy Services Officer)

**Others invited:** Item 5:

### Applicant - Ms A

#### 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 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
- Vulnerable persons are protected
- The public have confidence in using licensed vehicles

The Licensing Manager presented the written report on the application received from Ms A for a hackney/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 refuse the application because the applicant had accrued points quickly for more than one driving offence during 2022-23. However, it was suggested that the Sub-committee should consider the decision of the Magistrates' Court not to prevent the applicant from driving for accruing points for these offences.

The applicant was invited to expand on the application and provide information about the background of the driving offences and her personal circumstances. She noted that she was under pressure from her previous employer to complete trips as quickly as possible to ensure that she could get paid. She reiterated that her attitude had changed since the driving offences, and that she regretted it and had learnt lessons. She really enjoyed working as a taxi driver, and believed that her role as a woman driving taxis gave assurance to women who were travelling alone to feel safe in a taxi. She noted that she felt much better and had received good support since changing companies.

**RESOLVED that the applicant was a fit and proper person to be issued with a 12-month 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
- The applicant's application form
- DBS Statement
- The report of the Driver and Vehicle Licensing Agency
- Details of the Court Notice of a Fine and Collection Order
- Verbal observations by the applicant

Specific consideration was given to the following matters:

### **Background**

In November 2022, the applicant received three penalty points for driving faster than the statutory speed limit on a public road (SP30), i.e. speeding.

In July 2023, the applicant received six penalty points for driving faster than the statutory speed limit on a public road (SP30), i.e. speeding. She received a fine of £250.00. The applicant attended the Court to persuade the magistrate not to ban her from driving. The Magistrates were persuaded that she should not be banned from driving.

The applicant had been honest and had contacted the Licensing Department to inform them of the points and about the decision of the Magistrates' Court.

There were no other convictions to consider.

### **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 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 that 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 13 which related to minor traffic offences was considered, and paragraph 13.3 was considered, as it stated that one conviction for a minor driving offence could lead to an application being refused, especially if there were several convictions to be considered for the same offence.

## **CONCLUSIONS**

The Policy's provisions, the applicant's explanation of the circumstances, and the Licensing Manager's recommendations to refuse the application were considered.

The Sub-committee was of the opinion that section 13 of the Policy was relevant. The Sub-committee gave consideration to the fact that the applicant had two offences for speeding and that being within eight months of each other, and in addition, that the second offence was driving at a speed of approximately 103mph in the taxi (although it was accepted that no passengers were present).

The applicant's comments of regretting this since receiving the convictions were also considered. During the hearing, her very open and honest account of the incidents and her circumstances was also accepted. It was acknowledged that she had learnt lessons about speeding and the Sub-committee was satisfied that no further offences of this type would happen.

The Sub-committee was also of the opinion, when the applicant informed the Department that she had received further points on her licence due to the offences, that no steps were taken by the Authority to revoke the licence and she was allowed to continue to drive a taxi until her licence expired.

Having weighed-up all the factors carefully, the Sub-committee concluded that the applicant was currently a fit and proper person to hold a hackney and private driver's licence.

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

The meeting commenced at 12:10 and concluded at 13:00.

---

## GENERAL LICENSING SUB-COMMITTEE 13-11-24

---

### Attendance:

**Councillors:** Elfed Williams (Chair), Angela Russell and

**Officers:** Nia Grisdale (Legal Service Manager), Gwenan Mai Roberts (Licensing Manager), Tomos Wyn Jones (Public Protection Enforcement Officer) and Lowri Haf Evans (Democracy Services Officer)

**Others invited:** Item 5:

**Applicant - Mr A**  
**Representative / The applicant's daughter**

#### 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 protected
- Vulnerable persons are protected
- The public have confidence in using licensed vehicles

The Licensing Manager presented the written report on the application received from Mr A for a hackney/private hire driver's licence. The Sub-committee was requested to consider the application in accordance with the relevant convictions.

The Licensing Authority had recommended that the Sub-committee should refuse the application. It was noted that only seven weeks had passed since the serious road traffic offence ban came to an end, and it was therefore difficult to evidence whether the applicant had learnt his lesson or not. It was reiterated that the applicant had not informed the licensing unit about the crime at the time and the Licensing Authority had also received recent evidence that the applicant had tried to use his vehicle without a valid taxi licence.

The applicant was invited to expand on the application and provide information about the background of the conviction and his personal circumstances. He highlighted that he had a clean driving licence for 20 years and that this was his first accident. He reiterated that his family depended on the income of his taxi company and that the situation was vulnerable for his family. He noted that he was a safe driver and was responsible for driving children to school. He pleaded for a second chance.

In response to a question as to why he had not informed the licensing authority about the accident, he noted that he had tried to contact the unit, but had not received an answer.

In response to a question regarding the seriousness of the accident, the Licensing Manager noted that the accident had been before the Court and the applicant had received a sentence and punishment. She reiterated that the purpose of the hearing was to decide whether the applicant was fit and proper to receive a hackney/private hire driver's licence.

**RESOLVED that the applicant was not a fit and proper person to be issued with a 12-month hackney vehicle/private hire 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
- Traffic Police Officer Witness Statement
- Driver Licence Revocation Details
- Verbal observations by the applicant's representative

Specific consideration was given to the following matters

### **Background**

In August 2023, the applicant was found guilty of causing serious harm by driving carelessly / inconsiderately, contrary to the Road Traffic 1988 Act S.2C. He received a Community Order, costs of £85, a ban from driving (compulsory for 12 months from 31 August 2023), unpaid work requirement, rehabilitation activity requirement and a Victim Surcharge of £114.

In October 2023, the applicant's hackney/private hire driver's licence was revoked by the Public Protection Enforcement Officer, Cyngor Gwynedd, to safeguard the public, in accordance with the provision of Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

The applicant failed to inform the Licensing Department of the crime and the conviction in accordance with taxi licence conditions.

In October 2024, the applicant admitted to a Traffic Police Officer that he was driving a taxi without a licence. He received advice from the Officer to stop working as a taxi driver whilst his licence was being reviewed.

There were no other convictions to consider.

## **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 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 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 that 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 consider all convictions recorded against an applicant, whether spent or otherwise under the 1974 Act.

Section 12 of the Policy related to motoring convictions, and paragraph 12.2 listed serious traffic offences for the purposes of the Policy. It was noted that an application would normally be refused (12.10) where the applicant had a conviction resulting in a period of disqualification of 12 months or more, unless a period of 18 months had elapsed from the end of the disqualification period.

## **CONCLUSIONS**

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

The Sub-committee was of the opinion that section 12.10 of the Policy was relevant to the application as the applicant had a recent conviction which led to a period of suspension of 12 months or longer. There was no argument about the conviction, even though representations regarding the seriousness of the accident had been presented by the applicant. However, the Sub-committee was not satisfied that enough time had passed since the suspension came to an end to address the Policy's provisions and they did not consider that there were any exceptional circumstances that would justify deviating from the Policy.

The sub-committee had also considered the applicant's failure to inform the licensing unit of the crime and conviction (for a period of 12 months) and serious concerns were expressed that the applicant had been caught and admitted to driving a vehicle and attempting to hire, without a valid taxi licence, as recently as October 2024.

Having weighed-up all the factors, the sub-committee concluded that the applicant was currently not a fit and proper person to hold a hackney and private driver's licence.

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

The meeting commenced at 3:00pm and concluded at 3:30pm.



<b>COMMITTEE</b>	<b>GENERAL LICENSING COMMITTEE</b>
<b>DATE:</b>	<b>10 March 2025</b>
<b>TITLE:</b>	<b>REVIEW OF CYNGOR GWYNEDD TAXI POLICIES</b> - Combined Hackney Carriage/Private Hire Vehicle Driving Licensing Policy - Hackney Carriages/Private Hire Vehicles Licensing Policy - Private Hire Operators Licensing Policy -Suitability Criteria for Drivers and Operators Policy
<b>PURPOSE:</b>	<b>UPDATE AND OBTAIN THE COMMITTEE'S SUPPORT ON THE REVIEW PRIOR TO PUBLIC CONSULTATION ON A COMBINED TAXI LICENSING POLICY</b>
<b>AUTHOR:</b>	<b>HEAD OF ENVIRONMENT DEPARTMENT</b>

## 1.0 GENERAL INFORMATION

- I.1 The current policies in relation to drivers, vehicles and operators were approved by the General Licensing Committee on 22 October 2010 and came into force on 1 December 2010.
- I.2 Since 2010, minor changes have been made to the combined Hackney Carriage/Private Hire Driving Licensing Policy in 2014, along with a review of the 'Suitability Criteria for Drivers and Operators' policy.
- I.3 On 22 June 2015, the General Licensing Committee resolved that it was necessary to update and review the Taxi Licensing policies because of the increase in the number of applications to license vehicles that did not comply with the policy and as a result of the Deregulation Act 2015.
- I.4 A report was submitted to this Committee on 14 September 2015 outlining the high-level direction of the proposed changes to the policy; and this Committee authorised the Head of Environment Department to commence a review of the licensing policies in relation to hackney and private hire operators, vehicles and drivers; and support proposals for general direction as a starting point for the review.
- I.5 You may remember that a proposal had been received to create a combined 'Gwynedd Council Taxi Policy', rather than having three separate policy documents as currently exist. The combined policy would also include a policy on 'Suitability Criteria for Drivers and Operators'; guidelines on deciding whether a person is 'suitable and appropriate' to be a driver or operator. The Combined policy will also include licensing conditions and vehicle standards.
- I.6 One of the matters that came to the fore during the early phase of research for reviewing the policies, was the existence of by-laws that had not been highlighted in the 2010 review of taxi policies but which were referred to in 2003. The purpose of the by-laws is to ensure conditions for hackney vehicle driver licences. The Legal Department confirmed that the by-laws still existed; thus, in accordance with procedure and accuracy, the by-laws must be included in the new combined Taxi policy.

- I.7 In 2017, this Committee decided on high-level proposals for proposed changes to the policies. (see appendix). The proposals for the proposed changes to the policies and conditions were partly developed to realise action points drawn up following the Ffordd Gwynedd exercise in 2016.
- I.8 The proposals made at the time also emphasise the importance of checks to ensure taxi drivers are fit and suitable; and that new conditions ensure a driver's understanding and awareness of the importance of safeguarding children and vulnerable adults.
- I.9 The policy and conditions for drivers will also be updated to reflect the legislative requirements including the 2016 Immigration Act and the 2015 Deregulation Act; and will reflect the most recent good practice guidance.
- I.10 Members of this Committee agreed that a combined policy that ensures fair and consistent service across the County needed to be introduced, and to remove the three zones that have historically existed for the sake of fairness and consistency, and to try to meet the needs of the industry and users.
- I.11 The 'Grandfather Rights' status for Arfon hackney carriage proprietors will be removed from the policy and all proprietors will be subject to the same conditions and vehicle requirements, throughout the county.
- I.12 All proprietors will be encouraged to licence as many wheelchair accessible hackney carriages as they deem necessary. However, Cyngor Gwynedd will impose a requirement that for every 7 licensed hackney carriages in a proprietor's fleet at least 1 hackney carriage of that 7 must be a wheelchair accessible vehicle. Therefore if the fleet size was 14 hackney carriages, the requirement would be at least 2 of the 14 vehicles be wheelchair accessible.

## **2.0 TRANSPORT FOR WALES STRATEGY 2021; AND THE WHITE PAPER - THE TAXIS AND PRIVATE HIRE VEHICLES BILL 2023**

- 2.1 The Welsh Government conveyed its intention during 2018 to review the regulation of the taxi industry in Wales; and Cyngor Gwynedd, as most local authorities in Wales at the time, decided to postpone consultation on reviews of Taxi Licensing policies and halt the process until the Welsh Government's direction was clear as to any pending changes.
- 2.2 In 2021, the Welsh Government published its Transport Strategy, which set out a vision in relation to the regulation of the taxi industry.
- 2.3 Later in 2021, National Standards for the Taxi Industry were published, with the intention of promoting consistency throughout Wales in terms of requirements on the taxi industry and requirements to ensure Public Safety and commercial fairness.
- 2.4 In 2023 the Welsh Government published its White Paper: The Taxi and Private Hire Vehicles Bill. A consultation was undertaken on the White Paper to seek stakeholder

views on reviewing the legislation in relation to the regulation of the taxi industry; and to ensure the introduction of consistent and fair mandatory standards that would ensure the safety of the public.

- 2.5 Officers from the Welsh Government's Transport Department have highlighted to the Welsh Licensing Expert Panel, (which includes representation from each Council's Licensing services in Wales) that the Senedd will not move forward during its current term to act on legislative recommendations arising from the White Paper. Instead, the Licensing Authorities are being urged to review their taxi policies to ensure alignment with the National Taxi Standards published in 2021.

### **3.0 PROPOSED AMENDMENTS TO THE TAXI POLICIES IN GWYNEDD**

- 3.1 The licensing processes and conditions for drivers, vehicles and taxi operators in Gwynedd are already in line with the vast majority of the expectations contained in the National Taxi Standards.
- 3.2 There are some safeguarding measures that have been added to the licence application process over the last 3 years that have not yet been incorporated in the current policy – such as
- Ensuring that an applicant for a licence receives a medical examination in accordance with DVLA Group 2 standard
  - Ensuring that drivers undertake Child Safeguarding Training as part of the licence application process
  - That a check on a national criminal intel system is carried out for every new driver's licence applications
- 3.3 It is intended to officially incorporate these measures in the new combined policy, and together with any high-level changes already agreed by this Committee

### **4.0 CONSULTATION**

- 4.1 The revised combined policy will be subject to a public consultation. The formal consultation period will last 28 days. The responses to the consultation document will be fully considered before the policy is approved by the General Licensing Committee.
- 4.2 This Committee will have an opportunity in the next 12 months to give an opinion on the draft policy before any consultation.

### **5.0 CONCLUSIONS AND RECOMMENDATION**

- 5.1 It is intended to change the current Licensing policies so as to ensure the provision of a consistent and fair service across the county, which also meets the needs of the industry and users - by keeping safety considerations as the core foundation in the direction of the policy.
- 5.2 Members' approval is sought to review the policy in accordance with the principles agreed in 2017, and to align with national Standards.
- 5.3 Members' views are also sought on whether any other issues should be addressed in respect of the high-level direction of the policy as part of the review.

<b>COMMITTEE</b>	<b>GENERAL LICENSING COMMITTEE</b>
<b>DATE:</b>	<b>11 SEPTEMBER 2017</b>
<b>TITLE:</b>	<b>REVIEW OF GWYNEDD COUNCIL TAXI POLICIES</b> - Combined Hackney Carriage/Private Hire Vehicle Driving Licensing Policy - Hackney Carriages/Private Hire Vehicles Licensing Policy - Private Hire Operators Licensing Policy
<b>PURPOSE:</b>	<b>UPDATE AND OBTAIN THE COMMITTEE'S SUPPORT ON THE DIRECTION OF THE REVIEW PRIOR TO PUBLIC CONSULTATION ON A COMBINED TAXI LICENSING POLICY</b>
<b>AUTHOR:</b>	<b>HEAD OF ENVIRONMENT DEPARTMENT</b>

## 1.0 GENERAL INFORMATION

- 1.1 The current policies in relation to drivers, vehicles and operators were approved by the General Licensing Committee on 22 October 2010 and came into force on 1 December 2010.
- 1.2 Since 2010, minor changes have been made to the combined Hackney Carriage/Private Hire Driving Licensing Policy in 2014, along with a review of the 'Suitability Criteria for Drivers and Operators' policy.
- 1.3 On 22 June 2015, the General Licensing Committee resolved that it was necessary to update and review the Taxi Licensing policies because of the increase in the number of applications to license vehicles that did not comply with the policy and as a result of the Deregulation Act 2015. The present policies can be viewed in appendix 1 - 4
- 1.4 A report was submitted to this Committee on 14 September 2015 outlining the high level direction of the proposed changes to the policy; and this Committee authorised the Head of Regulatory Department to commence a report of the licensing policies in relation to hackney and private hire operators, vehicles and drivers; and support proposals for general direction as a starting point for the review.
- 1.5 It was noted at the meeting of this Committee on 1 December 2015 that the Cabinet had received a report on the situation and agreed with the principles and general direction; and that the existing policies needed to be reconciled.
- 1.6 You may remember that a proposal had been received to create a combined 'Gwynedd Council Taxi Policy', rather than having three separate policy documents as currently exist. The combined policy would also include a policy on 'Suitability Criteria for Drivers and Operators'; guidelines on deciding whether a person is 'suitable and appropriate' to be a driver or operator. The Combined policy will also include licensing conditions and vehicle standards.
- 1.7 One of the matters that came to the fore during the early phase of research for reviewing the policies, was the existence of by-laws that had not been highlighted in the 2010 review of taxi policies but which were referred to in 2003. The purpose of the by-laws is to ensure conditions for hackney vehicle driver licences. The Legal Department confirmed that the by-laws still existed; thus, in accordance with

procedure and accuracy, the by-laws must be included in the new combined Taxi policy.

## **2.0 PROPOSED HIGH LEVEL CHANGES TO THE POLICIES AND CONDITIONS - DRIVER**

- 2.1 It is not anticipated that any contentious changes will be made to the requirements of the existing policy or conditions for **DRIVERS** or **PRIVATE HIRE OPERATORS**. The changes emphasise the importance of checks to ensure a driver is a 'fit and suitable' person and also that new conditions ensure a driver's understanding and awareness of the importance of safeguarding children and vulnerable adults.
- 2.2 In 2016, the Licensing Unit's processes were subject to a Ffordd Gwynedd review - and the proposed policy and relevant conditions will adhere to the principles of Ffordd Gwynedd and will deliver on the action points created following the exercise.
- 2.3 The policy and conditions for drivers will also be updated to reflect the requirements of the Immigration Act 2016 and the Deregulation Act 2015; and will reflect the most recent good practice guidelines.

## **3.0 PROPOSED HIGH LEVEL CHANGES TO THE POLICIES AND CONDITIONS - VEHICLES**

- 3.1 The proposal to change the **HACKNEY CARRIAGES/PRIVATE HIRE VEHICLES's** Licensing Policy to reflect changes in legislation and changes to demands by the taxi industry in relation to vehicles was approved. At present, because of the nature of the current policies, conditions vary depending on the zone in which the application is made. For example, a hackney carriage must be under three years old on a new licence application in Arfon, but under 6 years old on a first application in Dwyfor or Meirionnydd.
- 3.2 Committee members agreed that a unified policy was needed that ensured a fair and consistent service across the County. It is proposed that a combined policy should ensure a consistent and fair service across the county to try to meet the needs of the industry and users and it will help achieve the key aims of Ffordd Gwynedd.
- 3.3 The Licensing Unit, following legal guidance, has been allowing deviation from the policy on matters such as vehicle age since September 2012, when applications were received with sufficient evidence to justify deviation from the policy. During the period 1<sup>st</sup> of April 2015 to the 31<sup>st</sup> March 2017 a total 144 'New Licences' were issued, contrary to the policy, to vehicles that did not meet the requirements in one way or another. It is, therefore, clear that the vehicle requirements stated in the current policy do not reflect the requirements of the industry and economic circumstances. The main priority that will guide any new policy clause is public safety, and the 'Grandfather Rights' of the licence holder will no longer affect the result of decisions to allow applications for vehicle licences.
- 3.4 The opportunity is taken to remind members of this committee that the high level proposals that guide the new policy are as follows -
- 3.5 **Proposal 1:** The 'Grandfather Rights' status for Arfon hackney carriage proprietors will be removed from the policy and all proprietors will be subject to the same conditions and vehicle requirements.

- 3.6 The requirements for all vehicles in all zones will be reconciled to create a transparent, equal and relevant policy for all taxi vehicle owners across the county.
- 3.7 **Proposal 2:** In all zones, an application to license a vehicle for the first time as a Hackney Carriage or Private Hire vehicle must be in respect of a vehicle that is less than 6 years old on the date when the completed application is received by the Licensing Authority.
- 3.8 **Proposal 3:** In all zones, an application to renew the licence of Hackney Carriage or Private Hire vehicle must be in respect of a vehicle that is less than 12 years old on the date when the current licence expires.
- 3.9 **Proposal 4:** Gwynedd Council will permit the renewal of a licence of a Hackney Carriage or Private Hire vehicle beyond the upper age limit of 12 years if it can be shown that the vehicle is in an 'exceptional condition'. The proprietor of the vehicle will be expected to provide regular evidence of the suitability and safety of the vehicle.
- 3.10 **Vehicles with wheelchair access.** Historically, the percentage of hackney carriages that had wheelchair access was 13%. It is possible to confirm that the percentage has remained at 13%.
- 3.11 The Council will try to maintain the current ratio of 13% of vehicles with wheelchair access.
- 3.12 **Proposal 5:** All proprietors will be encouraged to license as many wheelchair-accessible hackney carriages as they deem necessary. However, Gwynedd Council will impose a requirement that for every seven hackney carriages in a fleet, of that seven at least one hackney carriage must be a wheelchair-accessible vehicle. Therefore, if the fleet's size was 14 hackney carriages, the requirement would be for at least two of the 14 vehicles to be wheelchair accessible.
- 3.13 It is anticipated that Proposals 1 – 5 may be considered contentious changes to the current policy and conditions regarding Hackney Carriages and Private Hire Vehicles by some proprietors or users, especially in the Arfon area. However, in 2016 the service underwent a thorough 'Ffordd Gwynedd' exercise; and, in accordance with the conclusions of the exercise, it is believed that the citizens of Gwynedd, including the taxi industry and visitors to the County would receive a fairer, efficient and consistent service through the implementation of these changes.
- 4.1 **CONSULTATION**
- 4.2 The revised unified policy will be subject to a public consultation. The formal consultation period will last 28 days. The responses to the consultation document will be fully considered before the policy is approved by the General Licensing Committee.

## **CONCLUSIONS AND RECOMMENDATION**

It is proposed that changes should be made to the current Licensing policies in order to provide a consistent and fair service across the county to try to meet the needs of the industry and users and to reflect the principles of Ffordd Gwynedd.

Members' opinions are sought regarding the high level changes referred to in this report and specifically on the proposal to create a combined Taxi Licensing Policy, and Proposals 1 - 5 as

described. Members are also given the opportunity to decide whether any other matters need to be addressed in terms of the policy's high level direction before the draft policy embarks on a formal consultation.