
GENERAL LICENSING COMMITTEE 22/06/15

PRESENT:

COUNCILLORS: Craig ab Iago, Annwen Hughes, John Brynmor Hughes, Louise Hughes, Eryl Jones-Williams, I. Dilwyn Lloyd, W. Tudor Owen, Peter Read, Angela Russell and Elfed Williams

OFFICERS: Gareth Jones (Senior Planning and Environment Manager), Sheryl Le Bon (Licensing Manager), Geraint B. Edwards (Solicitor) and Lowri Haf Evans (Member Support and Scrutiny Officer)

1. CHAIRMAN

Resolved to elect Councillor Eryl Jones-Williams as Chairman of the Committee for 2015 - 2016.

2. VICE-CHAIRMAN

Resolved to elect Councillor Tudor Owen as Vice-chairman for the year 2015 - 2016.

3. APOLOGIES

Everyone was welcomed to the meeting by the Chairman, Councillor Eryl Jones-Williams. Apologies were received from Councillors Eddie Dogan, Llywarch Bowen Jones and Ann Williams.

Gareth Jones, Senior Planning and Environment Manager, was welcomed to the Committee. It was noted that Gareth Jones had taken on temporary responsibility for the Public Protection department following the retirement of Mr John Reynolds, Senior Public Protection Manager. A message had been sent on behalf of the committee to thank Mr John Reynolds for his service and support for the Licensing Committees over the years.

4. DECLARATION OF PERSONAL INTEREST

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

5. URGENT ITEMS

None to note

6. MINUTES

The Chairman signed the minutes of the previous meeting of this committee, held on 9 March 2015, as a true record.

7. GENERAL LICENSING SUB-COMMITTEE MINUTES

Submitted - for information, the minutes of meetings of the General Licensing Sub-committee held on 09.02.15 and 12.05. 2015

8. AMENDMENT TO THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976: THE DE REGULATION ACT 2015

Submitted – for information, the report of the Head of Regulatory Department to raise Members' awareness of amendments to the Local Government Act (miscellaneous provision) 1976: The Deregulation Act 2015. It was noted that the Deregulation Act 2015 had received Royal Assent on 26 March 2015 which would provide for the removal or reduction of burdens on businesses, individuals, public sector bodies and individuals. It was highlighted that the Deregulation Act 2015 covered a very wide range of 'measures affecting business: particular areas' which included sections regarding Taxis and Private Hire, thereby affecting the Local Government (Miscellaneous Provisions) Act 1976.

Attention was drawn to the main measures that would affect the Taxi and Private Hire provisions of the Local Government (Miscellaneous Provisions) Act 1976, namely:

- S10 – Taxis and private hire vehicles: duration of licences
- S11 – Private hire vehicles: sub-contracting

It was added that the changes would come into force on 1.10.2015 and were likely to create substantial impact on the department's arrangements. In addition, the change in the duration of licences would impact the fee that would be set for these licences. The fees charged would have to be set for three years and be reasonable with the main aim of recovering the running and enforcement costs of each licensing scheme.

It was highlighted that the Council was required to re-calculate the fees for a three year driver's licence and a five year private hire operator's licence. The Council could amend the fee for a driver licence without public consultation; however, the fee setting of the private hire operator's licence was subject to public notice procedure.

Discussions had already commenced with the Finance Department to re-calculate the fees structure. It was intended to submit the new fees structure proposal to a special meeting of this Committee during the coming weeks. If approved, the new fees structure regarding private hire operator's licences would then be subject to a public notice procedure. On conclusion of the public consultation, the fees structure could be formally approved by the Committee during its September 2015 meeting, for implementation on 1 October 2015.

RESOLVED to accept the report.

9. POLICY ON ACCEPTING PREVIOUSLY ISSUED DBS ENHANCED LEVEL CERTIFICATES FOR APPLICANTS OF A COMBINED HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER'S LICENCE

Submitted for a decision – the report of the Head of Regulatory Department. It was noted that applicants of a 'Combined Hackney Carriage/Private Hire Vehicle Driver's Licence' were exempt from the provisions of the Rehabilitation of Offenders Act 1974 and the Rehabilitation of Offenders Act 1974 (Exception) (Amendment) Order 2002. Applicants were required to disclose ALL convictions, cautions and fixed penalties. In accordance with s46 of the Town Police Clauses Act and s51 of the Local Government (Miscellaneous Provisions) Act 1976 the council would not grant a combined 'Hackney Carriage and Private Hire Driver's Licence' unless it was satisfied that the applicant was a 'fit and proper person' to hold a licence. However, in the Council's existing policy the notes did not clearly identify how to apply for disclosure.

In addition, reference was made to the Police Act 1997 which noted that an enhanced criminal record certificate, when considering an applicant's suitability to obtain or hold a hackney carriage driver's licence or private hire driver's licence, MUST also include suitability information i.e. a barred list check, relating to children and adults.

The existing policy document did not make reference to accepting previously issued DBS Enhanced level certificates nor did it specify the duration a DBS Enhanced level certificate was considered to be valid. Taking the legal requirements into consideration, the practice of accepting previously issued DBS Enhanced level certificates may continue ONLY IF the previously issued certificate was an Enhanced Level Certificate and it included the children barred list and adult barred list check.

RESOLVED to accept the report in accordance with the recommendations stressing the need to ensure that the barred list is checked.

10. THE SCHEME OF DELEGATION REGARDING THE DETERMINATION OF APPLICATIONS FOR HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES WHEN THE VEHICLES DOES NOT COMPLY WITH THE AUTHORITY'S POLICY

Submitted for a decision - the report of the Head of Regulatory Department drawing the Members' attention to the background of the report. It was noted that at a meeting on 17 September 2012, the Committee had resolved to delegate the power to the Head of Regulatory Department, in consultation with the Chair and Vice-chair of the General Licensing Sub-committee, to approve taxi vehicle licensing decisions for vehicles that did not comply with the authority's policy. On 8 December 2014, the Committee had resolved that an additional member, Councillor Peter Read, was to be included on the 'decisions panel' in order to ensure that three areas (Arfon, Meirion, Dwyfor) were represented.

During the period between 17 September 2012 and 30 April 2015, it was reported that a total of 73 licences had been granted for vehicles which were contrary to Gwynedd Council's existing Hackney Carriage Vehicle policy. It was noted that the number of applications to license vehicles that failed to comply with the policy had increased considerably since the decision had been made to delegate the licensing decisions to the Head of Regulatory Department in consultation with the 'decisions panel'.

It was recognised that the consultation process was quite intensive as many applicants were eager to receive a decision on their application as soon as possible. It was noted that complaints had been made recently to the Council regarding delays and the way in which applications to license a vehicle that did not comply with the policy were being processed. In light of these complaints, the Head of Regulatory Department had resolved to review the situation and hold discussions with the Legal Department to obtain advice regarding the current arrangement for making decisions. It was highlighted that there was no change to the process but that clarity was required regarding the advice offered to applicants when making initial enquiries about applications. It was added that applicants must submit a formal application. It was noted that reviewing the process had been useful and that applicants' expectations of the situation were managed effectively as a result.

In response, an observation was made that a delayed decision was usually the result of specific reasons and that the main aim was to make the right decision to ensure public safety.

In relation to paragraph 3.4 of the report, the solicitor explained that it would not be the fact that the 'Decisions Panel' members failed to reach a decision on an application for advice on a specific vehicle that would exclude them from voting on a licence application in relation to that vehicle at the General Licensing Sub-committee hearing, rather it would be the fact that they had dealt with the application for advice in the first place.

The Senior Planning and Environment Manager and the Solicitor confirmed the following changes to the report: delete paragraph 4.5; delete paragraph 5.1 and insert a new 5.1 paragraph as follows "The report notes"; delete paragraph 5.2 and insert a new 5.2 paragraph as follows "It is noted that pre-application advice is provided by the Licensing Unit, on an impartial basis, on an application's likely result, before submission of a formal application."

RESOLVED to accept the report in accordance with the amended recommendations.

The meeting commenced at 11:00am and concluded at 11:55am.

CHAIRMAN