



# Complete Agenda

Democratic Services  
Swyddfa'r Cyngor  
CAERNARFON  
Gwynedd  
LL55 1SH

Meeting

**GENERAL LICENSING COMMITTEE**

Date and Time

**10.00 am, MONDAY, 6TH MARCH, 2017**

**(TO FOLLOW THE CENTRAL LICENSING COMMITTEE)**

Location

**Siambr Hywel Dda, Council Offices,  
Caernarfon, Gwynedd, LL55 1SH**

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(DISTRIBUTED 27 February 2017)

## **GENERAL LICENSING COMMITTEE**

### **MEMBERSHIP (15)**

#### **Plaid Cymru (8)**

Councillors

Annwen Daniels  
Christopher Hughes  
W. Tudor Owen  
John Wyn Williams

Annwen Hughes  
Dilwyn Morgan  
Ann Williams  
R. H. Wyn Williams

#### **Independent (5)**

Councillors

John Brynmor Hughes  
Eryl Jones-Williams  
Louise Hughes

Angela Russell  
Elfed Williams

#### **Llais Gwynedd (2)**

Councillors

Peter Read

Anwen J. Davies

### **Aelodau Ex-officio / Ex-officio Members**

Chairman and Vice-Chairman 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 - 5

The Chairman shall propose that the minutes of the meeting of this Committee, held on 12.12.16 be signed as a true record.

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

6 - 8

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

a) 15.12.2016

# Agenda Item 4

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## GENERAL LICENSING COMMITTEE, 12.12.16

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**Present:** Councillors Annwen Daniels, Annwen Hughes (Chair), John Brynmor Hughes, Eryl Jones-Williams, Angela Russell, Ann Williams and John Wyn Williams

**Also in Attendance:** Gareth Jones (Senior Planning and Environment Manager), Gwenan Mai Roberts (Licensing Manager), Geraint B. Edwards (Solicitor) and Lowri Haf Evans (Member Support Officer)

Councillors Anwen Davies and Dilwyn Morgan were welcomed to the Committee.

### 1. APOLOGIES

Apologies were received from Councillors Peter Read, Louise Hughes, Tudor Owen and Elfed W Williams.

It was reported that Councillor Tudor Owen had recently received surgery, and it was decided that the Committee would send him a card wishing him well for a full and speedy recovery.

### 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 the previous meeting of this committee, that took place on 20 June 2016, as a true record.

### 5. MINUTES OF THE GENERAL LICENSING SUB-COMMITTEES

Submitted, for information, the minutes of the meetings of the General Licensing Sub-committee that took place on 25.05.16, 04.10.16 and 19.10.16.

### 6. LICENSING TAXIS AND THE IMMIGRATION ACT 2016

The report of the Head of Regulatory Services was submitted highlighting the amendments to the Immigration Act 2016 that had come into effect on 1st December 2016. The purpose of the amendments were to ensure that Licensing Authorities do not present licences to illegal immigrants and when they undertake this duty they conduct immigration checks.

When he elaborated on the background the officer noted,

- That the Act amended the current UK licensing systems to try and prevent illegal working in the taxis/private hire/hackney vehicle licensing sector.

- The 2016 Act incorporated the immigration safeguarding methods in the existing licensing systems in the context of the Licensing Act 2003 across the UK, however the arrangements for these provisions had not been confirmed.

Attention was drawn to the impact of the new measures listed in the report together with the duties of the Licensing Authorities to implement the amendments to the Act.

When considering the implications of implementing these amendments, it was noted that all new legislation presented more work and usually this was yet another step in a process rather than new work. It was explained that although Licensing Officers already checked some of the documentation required under the Immigration Act 2016, the new requirements would entail undertaking every check in the presence of the applicant; the initial checks and requests could take more time to process as well as arranging for officers to receive further training on the identification of fake documents. Also, as it appeared that these would be additional steps in the application checking process, it was difficult to fully measure the implications and the situation may be clearer within 6 months.

In response to a question regarding the Legislation coming into effect on 1st December, it was explained that the guidelines had been received following this date and no Welsh version was available.

In response to a question regarding sharing the information with taxi companies, it was noted that the news-sheet had not been distributed and therefore the suggestion was accepted to create a simple and clear leaflet for taxi companies that would outline the amendments to the Immigration Act 2016.

The information was accepted.

## **7. FFORDD GWYNEDD - LICENSING EXERCISE**

An oral update was received from the Senior Planning and Environment Manager on the licensing service's recent exercises over the last 12 months to review their work processes to ensure that the people of Gwynedd were central to what was being implemented.

It was noted that the process provided an opportunity for all to have an input into the service review and the process had identified opportunities such as,

- Reconciling and rationalisation of taxi licensing policies
- Introduction of self-service
- Delete the elements with no value within the process - need to create a smooth process

The next steps of the exercise will be to identify the resource to improve and facilitate

Matters arising from the ensuing discussion;

- Need to ensure consistency with taxi fees
- Need to update the Committee often of the situation in order to ensure support to facilitate the process forward

In response to a question regarding facilitating the reviews, it was noted that the Department would look for the Committee's support as well as to give guidance to the process. It was suggested that a working group should be established to discuss the reviews and ensure input.

The information was accepted and the Department was thanked for the work.

The meeting commenced at 10:00am and concluded at 10:50am.

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## GENERAL LICENSING SUB-COMMITTEE 15.12.2016

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**Present:** Councillor Eryl Jones Williams (Chair), Councillors Annwen Hughes and John Brynmor Hughes

**Officers:** Geraint B Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager), and Lowri Haf Evans (Member Support Officer).

### 1. WELCOME and APOLOGIES

The Chair, Councillor Eryl Jones Williams, welcomed everyone to the meeting. The panel and the officers were introduced to everyone present.

### 2. DECLARATION OF PERSONAL INTEREST

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

### 3. URGENT ITEMS

None to note

### 4. EXCLUSION OF PRESS AND PUBLIC

**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 12 A, 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, nor their identities. Consequently, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.**

### 5. APPLICATION FOR HACKNEY / PRIVATE HIRE DRIVER'S LICENCE

- a) The Licensing Manager presented the written report on the application received from Ms A for a new hackney/private hire driver's licence.
- b) It was reiterated that a statement of convictions had been submitted and the statement noted that the applicant had a conviction that was relevant to licensing taxi drivers. The Committee was asked to consider the application in accordance with the DBS record, and in accordance with the guidelines on relevant crimes and convictions.
- c) The applicant was invited to expand on her application. She expanded on the background to her conviction and noted her wish to be employed as a taxi driver to support the position and safety of women.
- ch) Mr M Elderking, the owner of a Taxi Company, supported Ms A's application. He confirmed that he knew the applicant and that there would be a job available for her if her application was approved. He emphasised that his company was responding to the demand from women for female taxi drivers.

- d) The applicant and the owner of the taxi company withdrew from the room while the Sub-committee members discussed the application.
- dd) The Sub-committee received the information recorded in the DBS statement as an accurate account of events. The Sub-committee was reminded, in accordance with section 59 of the Local Government (Miscellaneous Provisions) Act 1976, that a licence could not be issued unless they were satisfied that the applicant was a fit and proper person to hold a licence.
- e) In reaching their decision, the Sub-committee considered the following factors:
- the requirements of the 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire'
  - the applicant's application form
  - the applicant and the Taxi company Owner's verbal comments
  - the Licensing Department's report along with the DBS statement

- that the applicant had previous convictions:

that the offence of drink-driving and driving without a MOT certificate on the same date were historical. The offence of drink-driving was an individual conviction and in accordance with paragraph 11.1 of the Council's policy, a period of at least 3 years should have passed since the restriction ended. Consequently, as the conviction dated from 2007, the Sub-committee did not consider the conviction as being a reason for refusing the application.

**RESOLVED that the applicant was a fit and proper person to be issued with a hackney vehicle/private hire driver's licence and Ms A's application for a hackney vehicle/private hire licence was granted.**

## 6. APPLICATION FOR HACKNEY / PRIVATE HIRE DRIVER'S LICENCE

- a) The Licensing Manager presented the written report on the application received from Mr B for a new hackney/private hire driver's licence.
- b) It was reiterated that a statement of convictions had been submitted and the statement noted that the applicant had a conviction that was relevant to licensing taxi drivers. The Committee was asked to consider the application in accordance with the DBS record, and in accordance with the guidelines on relevant crimes and convictions.
- c) The applicant was invited to expand on his application. He further explained the background to the offences and noted that he was remorseful. He circulated two references which he had received - one from the Manager of a taxi company expressing a willingness to employ him as a taxi driver on journeys for school pupils.
- ch) The applicant withdrew from the room while the Sub-committee members discussed the application.
- d) The Sub-committee received the information recorded in the DBS statement as an accurate account of events. The Sub-committee was reminded, in accordance with section 59 of the Local Government (Miscellaneous Provisions) Act 1976, that a licence could not be issued unless they were satisfied that the applicant was a fit and proper person to hold a licence.
- dd) In reaching their decision, the Sub-committee considered the following factors:
- the requirements of the 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire'



- the application form and the applicant's verbal observations
  - the contents of the references
  - the Licensing Department's report along with the DBS statement
- that the applicant had one previous convictions for an incident of criminal damage and three convictions (although one had not been declared on the DBS record) for drink-driving.

It was considered that the drink-driving convictions remained 'unspent'. In accordance with paragraph 11.2 of the Licensing Policy, it was noted that it was unlikely that a licence would be granted unless a period of 10 years had elapsed after the restoration of the licence following the last conviction. In this case, as 10 years had not passed since the end of the restriction, the conditions of paragraph 11.2 were relevant.

It was explained that unless there were exceptional reasons to divert from the requirements of paragraph 11.2, the Sub-committee would not be in a position to grant the licence under the circumstances. It was considered that these circumstances were not exceptional to justify diverting from the restriction under paragraph 11.2 of the Licensing Policy

**RESOLVED that the applicant was not a fit and proper person to be granted a hackney/private hire driver's licence and Mr B's application for a hackney/private hire driver's licence was refused.**

The solicitor explained that the applicant had the right to submit an appeal to the Magistrates' Court following the Sub-committee's decision to refuse, within 21 days of receipt of the letter confirming the decision.

The meeting commenced at 2.00pm and concluded at 3.50pm.