



# Complete Agenda

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

Meeting

**GENERAL LICENSING COMMITTEE**

Date and Time

**10.00 am, MONDAY, 11TH JUNE, 2018**

Location

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

Contact Point

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(DISTRIBUTED 4 June 2018)

# **GENERAL LICENSING COMMITTEE**

## **MEMBERSHIP (15)**

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

Councillors

Steve Collings  
Dafydd Owen  
Rheinallt Puw  
Elfed Williams

Annwen Hughes  
Edgar Wyn Owen  
Peter Read  
Annwen Daniels

### **Independent (4)**

Councillors

John Brynmor Hughes  
Jason Wayne Parry

Eryl Jones-Williams  
Angela Russell

### **Llais Gwynedd (1)**

Councillor Gareth Williams

### **Lib / Lab (1)**

Councillor Sion W. Jones

### **Individual Member (1)**

Vacant seat

### **Ex-officio Members**

Chair and Vice-Chair of the Council

# **A G E N D A**

**1. ELECT CHAIR**

To elect a Chairman for 2018/19

**2. ELECT VICE CHAIR**

To elect a Vice-chairman for 2018/19

**3. APOLOGIES**

To receive any apologies for absence.

**4. DECLARATION OF PERSONAL INTEREST**

To receive any declaration of personal interest.

**5. URGENT ITEMS**

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

**6. MINUTES**

4 - 6

The Chairman shall propose that the minutes of the meeting of this Committee, held on 05.03.2018 be signed as a true record.

**7. GENERAL LICENSING SUB-COMMITTEE MINUTES**

7 - 8

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

a) 13.03.2018

**8. REQUEST TO CHANGE PORTHMADOG MARKET DAY FROM FRIDAY TO THURSDAY**

9 - 11

To consider the report of the Head of Environment

**9. PROPOSED TAXI LICENCE FEES 2018/19**

12 - 14

To consider the report of the Head of Environment

# Agenda Item 6

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## GENERAL LICENSING COMMITTEE 05.03.18

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**Present:** Councillors, Annwen Daniels, Annwen Hughes, John Brynmor Hughes, Eryl Jones-Williams, Dafydd Owen, Edgar Wyn Owen, Jason Wayne Parry, Rheinallt Puw, Peter Read, Dewi Roberts, Angela Russell, Elfed W. Williams and Gareth Williams

**Also in Attendance:** Gwenan Mai Roberts (Licensing Manager), Siôn Huws (Solicitor) and Lowri Haf Evans (Member Support Officer).

### 1. APOLOGIES

None to note

### 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 meeting of this Committee, that took place on 11 December 2018, as a true record.

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

Submitted - for information, the minutes of a meeting of the General Licensing Sub-committee that took place on 12.01.2018.

### 6. SPECIFICATION FOR HACKNEY VEHICLE METERS

A report was submitted by the Head of the Environment Department outlining the background and giving an update on developments with hackney vehicle meters (taximeters). The Committee was requested to approve a proposal to amend the conditions as part of the wider review of taxi licensing policies and conditions currently being reviewed. A list of the current conditions together with the proposed conditions were presented.

It was highlighted that one of the areas of discussion was the rise in use of Global Positioning Systems (GPS) to measure fares in licensed vehicles. Although this use was welcomed as a system for operators to manage and dispatch vehicles to customers and to effectively calculate the fare for the journey, it was reported that no GPS system currently complied with the requirements of The Measuring Instruments (Taximeters) Regulations 2006. Consequently, they could not be used as an approved taximeter.

It was explained that the proposal was to add a condition to clarify the current legal status of GPS taxi management and dispatch systems.

It was reported that no arrangement was in place for hackney carriages in Gwynedd to have their taximeters tested periodically. In response to this conditions were proposed for taxi vehicle owners to ensure that taximeters are working appropriately; providing a certificate to confirm that the taximeter complies with the approved specification; is installed in accordance with The Measuring Instruments (Taximeters) Regulations (2006); has been calibrated to include only Gwynedd Council tariffs. It will be a requirement for the proprietor to produce a certificate annually to the Licensing Authority to prove that taximeter is accurate. In order to promote the changes, it was proposed that the Licensing Unit should establish a list of approved taximeter installers/testers to install and undertake the annual tests.

It was noted that it would be necessary to consult with the trade regarding the changes to hackney vehicle licensing conditions. This would be undertaken as part of the wider consultation on the review of taxi licence policies.

During the ensuing discussion, the following points were highlighted by individual Members:

- That the recommendation was welcomed and ensured consistency.
- It would be timely to receive legal advice on the use of GPS instruments.
- That the policy was being reviewed in response to changes in technology.
- There was a managerial advantage to use GPS and therefore it was necessary to ensure that both systems worked jointly.

In response to a question regarding who would check the adaptations to taximeters, it was noted that it would be the responsibility of the companies to comply with the proposed conditions.

In response to a question regarding ensuring that the taxi driver was a 'safe driver' (following a recent incident of revoking a driver's licence due to drug use), it was noted that the Licensing Unit usually received information through the trade. If the Licensing Unit had concerns or if information came to hand from the public about a driver acting inappropriately then the Unit would make a request to the Police for information. As a result of the changes to the Data Protection Act, it was highlighted that it was not now necessary for the Police to automatically share information with the Unit about individuals who had recently offended.

Following the response, it was suggested that a letter should be sent to the Police Commissioner highlighting the Committee's concerns on sharing personal information issues.

Following a response from the Officer that Gwynedd Council set the fare tariffs by following a legal system, a request was received from the Members for a list of price rates.

**RESOLVED to accept the information.**

## **7. REVIEW OF GWYNEDD COUNCIL TAXI POLICIES**

An oral update from the Licensing Manager was provided on the process of reviewing all Gwynedd Council taxi policies and the Members were reminded that the intention was to submit one unitary policy which would include the Committee's decision to implement sections 165, 166 and 167 of the Equality Act. It was added that the Licensing Unit had informally consulted with the trade and had received some comments. It was stated that one general observation was that they objected to changes in policies concerning accessible vehicles for wheelchairs and argued that the situation was unfair.

During the ensuing discussion, the following points were highlighted by individual Members:

- That adapting the policy for accessible vehicles to wheelchairs was a response to the requirements of the Well-being Act.
- Taxi companies had to address the need.
- It was suggested that a future vision should be for every taxi to be a multi-purpose vehicle.
- A suggestion that every Local Authority across north Wales expressed their views as one to try and force every taxi to be multi-purpose in the future.

The Solicitor advised that the Licensing Unit should submit a report to the Committee in order to get clarification regarding the options and guidance on the way forward in order to come to a resolution.

**The information was ACCEPTED.**

The meeting commenced at 10.00am and concluded at 11.00am

## GENERAL LICENSING SUB-COMMITTEE 13.03.2018

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**Present:** Councillor Elfed Williams (Chair), Councillors Steve Collings and Jason W Parry

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

1. **APOLOGIES**

None to note

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 A HACKNEY / PRIVATE HIRE DRIVER'S LICENCE- Mr A**

The Chairman welcomed everyone to the meeting. He highlighted that the decision would be made in accordance with Gwynedd Council'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 and the aim was to protect the public by ensuring that:

- A person is a fit and proper person
- The person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- Children and young people are protected
- Vulnerable persons are protected
- The public have confidence in their use of licensed vehicles.

The Licensing Manager presented a 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 DBS record, and the guidelines on relevant criminal offences and convictions.

The applicant was invited to expand on the application and provide information about the background of the offences. He noted that he was a lorry driver and that he had made one serious error when he decided to drive under the influence of alcohol following a night out with friends. He openly admitted that this was a foolish decision and the rehabilitation course had been invaluable.

In reply to a question, he stated that if the licence should be approved then he would be self-employed.

The applicant withdrew from the room whilst the Sub-committee members discussed the application.

**RESOLVED that the applicant was a fit and proper person to be issued with a hackney vehicle/private hire driver's licence from Gwynedd Council.**

In reaching their decision, the Sub-committee considered the following:

- the requirements of the 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire Vehicles'
- the applicant's application form
- verbal observations presented by the applicant during the hearing
- the Licensing Department's report along with the DBS statement disclosing the convictions

Specific consideration was given to the following matters.

The applicant had received a conviction from Bangor Magistrates' Court (November 1995) on one charge of trying to obtain property by deception, contrary to the Theft Act 1968, section 15. He received a fine of £60.00. The applicant received a conviction from Bangor Magistrates' Court (February 1989) for two offences of criminal damage. He received an order to pay compensation of £220.00. The applicant received a conviction from Gwynedd Magistrates' Court (December 2014) on one charge of failing to provide a specimen for analysis, contrary to section 7 (6) of the Road Traffic Act 1988. He was banned from driving for 12 months, with a reduction of 3 months following the rehabilitation course.

Paragraph 2.2 of the Council's Policy was considered, this states that a person with a conviction for a serious offence need not be permanently barred from obtaining a licence, but should be expected to be free from 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.

It was highlighted that paragraph 4.5 of the Council policy stated that a Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) 2002 Order allowed the Sub-committee to consider all the convictions recorded if they had been spent or otherwise under the 1974 Act.

Paragraph 6.5 of the policy was considered, which states that an application will be refused if the applicant had a conviction of a violent nature during the last three years. It was noted that such offences included criminal damage. Paragraph 8.2 was considered, which states that an application will be refused if the applicant has a conviction during the last three years for a dishonesty offence (this includes trying to obtain property by deception). Paragraph 12.9 was considered, this states that an application will usually be refused if there is a recent conviction against the applicant that led to a ban of 12 months or more, unless a period of at least 18 has elapsed since the end of the ban.

It was accepted that the 1985 conviction included an offence of dishonesty, however, as this had occurred 32 years ago (over 3 years ago) the Sub-committee was of the view that the offence was not a reason to refuse. It was accepted that the 1989 conviction included violent crimes that occurred 29 years ago. This was not a reason to refuse the application. Following the 2014 conviction the applicant was banned from driving. The Sub-committee calculated that the ban had ended on 31 August 2015 (9 months after 1 December 2014), and this meant that over 12 months had elapsed since the ban.



The Solicitor reported that the decision would be confirmed formally by letter sent to the applicant with details of his right to appeal.

The meeting commenced at 10:20am and concluded at 10.40am.

<b>COMMITTEE:</b>	<b>GENERAL LICENSING SUB - COMMITTEE</b>
<b>DATE:</b>	<b>11<sup>th</sup> JUNE 2018</b>
<b>TITLE:</b>	<b>REQUEST TO CHANGE PORTHMADOG MARKET DAY FROM FRIDAY TO THURSDAY</b>
<b>PURPOSE:</b>	<b>FOR DECISION</b>
<b>AUTHOR:</b>	<b>HEAD OF THE ENVIRONMENT DEPARTMENT</b>

## **BACKGROUND**

The Public Protection Service is responsible for the running of the Council's markets, as follows:-

**PWLLHELI**            every Wednesday throughout the year and every Sunday from May to September.

**PORTHMADOG**    every Friday from Easter until December

**CAERNARFON**    every Saturday throughout the year and every Monday from June to September.

In accordance with the current conditions for Gwynedd Council's open air markets, Porthmadog market operates at Heol y Parc car park every Friday from 8.30am to 5pm. The market operates from the first Friday in April or from the first Friday before Good Friday, whichever is the earliest, and operates until the last Friday in December each year.

## **REQUEST TO CHANGE THE DAY OF THE MARKET**

The Service has received a recent request from a Porthmadog market representative to change the market day from a Friday to a Thursday.

Following consultation, please find below the main reasons submitted in favour of changing the market day to a Thursday together with the reasons provided for retaining the market on a Friday:-

<b>Main reasons in favour of changing the day to a Thursday</b>	<b>Main reasons for retaining the market on a Friday</b>
7 current traders have provided written confirmation that they are in favour of changing the day to a Thursday. 1 trader is happy with either day.	9 current traders have provided written confirmation that they favour retaining the market on a Friday (as previously mentioned 1 is happy with either day). 2 of the traders have stated they will not be able to work at the market on a Thursday at all.
The number of regular traders attending the market throughout last season was low (3 or 4). The Service continues to provide opportunities to traders to work at Gwynedd markets however due to the current social and economic climate the	More existing/historic traders supporting the Friday.  Since the request for changing the day was made, there has been an increase in the number of traders attending the market on a Friday. Of course, it is

number of traders attending markets are reducing generally each year.	possible that the increase could also be due to the time of year/weather etc.
Possibility of attracting new traders on a Thursday. The individual who made the request has intimated the possibility of new traders showing an interest in attending on a Thursday and is intending to fill the car park.	The public are used to the market being on a Friday and there is a possibility that existing traders will lose regular customers and the business which they have worked hard to build up over years of attending the Friday market.
When the market was first established in Porthmadog there was no market in Bangor. Since then, Bangor have an established market that also operates on a Friday.	It has been mentioned that Flint market, which also operates on a Friday, will be closing during the summer. If so, there may be a possibility of attracting more new traders on a Friday.
Although the timetable varies depending on the time of year, the Welsh Highland Railway generally run more trains on a Thursday than on a Friday, as Fridays are changeover days for groups and accommodation so fewer passengers tend to travel on a Friday compared to midweek.	Changing the market to a Thursday places the market in direct competition with Barmouth market that is also on a Thursday.
	Some traders travel long distances to work at the market. They often don't arrive until Thursday evening as they then stay in the area over the weekend period in order work other markets in the vicinity.
	Some visitors may only visit the Town for the weekend period only and may not arrive until late Thursday evening/Friday morning.
	By limiting the market to the existing 10 - 12 traders who regularly attend on a Friday, a percentage of the car park continues to be available for shoppers to visit the market or the town.

**Further responses received following consultation:-**

- E-mails from several traders in support of changing the day to a Thursday.
- E-mails from other traders (including pictures) stating that they want the market to remain on a Friday and outlining their concerns for the proposed change.

The Service has also consulted with the Council's highways Department who is responsible for the car park and with Porthmadog Town Council and they have no objections either way, as long as any signage is bilingual.

### **RECOMMENDATION**

The committee is requested to consider the above report and make a decision whether or not to allow the request to change Porthmadog market day from a Friday to a Thursday

# Agenda Item 9

COMMITTEE	GENERAL LICENSING COMMITTEE
DATE:	11 JUNE 2018
TITLE:	PROPOSED TAXI LICENCE FEES 2018/19
PURPOSE:	APPROVE PROPOSED FEES TO BE IMPLEMENTED FROM 1 OCTOBER 2018
AUTHOR:	HEAD OF ENVIRONMENT DEPARTMENT

## 1.0 BACKGROUND INFORMATION

- 1.1 The Council is required to review its fees in respect of taxi licensing (i.e. hackney carriage licences, private hire vehicle licences, private hire operator licence and driver licences) on a regular basis. On 24 June 2013, this Committee resolved to review taxi fees annually.
- 1.2 Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976 provide 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, control and supervision of vehicles and any other costs associated with processing an application.
- 1.3 The fees charged must be reasonable and it is the Council's decision whether or not the fees are set at a level which will allow for the reclamation of costs in full or in part. **On 24 June 2013, this Committee resolved that taxi licensing fees would have to be revised to fully recover costs.**
- 1.4 Taxi fees were increased by 25% in 2013 and 19.78%, and 10.78% in 2015 in order to fully recover the costs. The fees were not increased at all in 2016/17 or in 2017/18

## 2.0 IMPACT OF RECENT LEGISLATIVE CHANGES ON LICENSING PROCESSES

- 2.1 The fees have not been changed since the 2015 Deregulation Act introduced the right to apply for taxi driver licences that remain valid for three years, and operator licence that are valid for up to three or five years. Most taxi drivers decided to apply for three year driver licences when it was time for them to renew. The Licensing Unit continues to use the discretion provided through the Act to approve one year licences for drivers under specific circumstances.
- 2.2 As we approach the end of the term of the first three year licences issued since the Deregulation Act came into force, the fees assessment has shown that the cost of the current three year licence is insufficient to recover the true costs of administrating these licences.
- 2.3 The experience of administrating three year licences over the past two and a half years has shown that a great deal of time is spent on obtaining and checking that the necessary documents, such as a medical and DBS certificates; as well as checking to ensure that they remain valid for the duration of the licence. This has been taken into consideration in this review.

2.4 The 2016 Immigration Act has also introduced additional checks into the process of applying for a taxi driver's licence. Every applicant now has to visit the council office to apply in person and bring original documents to be verified by officers so that the individual's identity and right to work in the UK can be established. Officers are also required to check documents in detail in order to ensure that no fake documents are produced. These requirements are relevant to every applicant requesting a licence for the first time and to every first application for renewal since the relevant commencement orders within the 2016 Immigration Act came into force.

### 3.0 FINANCIAL ASSESSMENT AND PROPOSAL FOR 2018-19

3.1 The Treasurer's Department has assessed the proposed fees and has concluded that the proposed increase is reasonable to recover the costs incurred when processing an application, in accordance with what is permitted within the Act. The percentage increase reflects the average percentage increase across the different licences. Some fees have lesser or greater increase than the average percentage depending on the additional effort involved in the processes. The table below outlines the current costs and the proposed costs. The proposed fees also include costs associated with sending renewal reminder letters, and administrative work associated with advising and communicating before and during the application process. Such costs have not been included previously.

#### 3.2 TABLE OF CURRENT AND PROPOSED FEES

proposed taxi licence fees 2018	current fee £	proposed fee £ 2018/19
one year driver licence	136	233
driver licence 3	174	270
new HACKNEY carriage licence	204*	232*
renew HACKNEY carriage licence	169.2*	197*
Transfer of HC Licence to new proprietor	74.60	75
new PH licence	240.5*	269*
Renew PH licence	169.2*	197*
Transfer of PH licence to new proprietor	74.60	75
Conditional PH carriage licence	89.6	171
One year operator licence	180.8	236
three year operator licence	238.7	275
five year operator licence	297.8	329

\*Total includes internal and external plates (hackney and private hire) , and sticker (for private hire)

3.3 In order to fully recover the costs, the fees must be increased by an average of 28%

#### **4. CONSULTATION WITH THE INDUSTRY**

- 4.1 Following this committee's decision on the proposed fees, a full public consultation will be held in accordance with the statutory requirements.
- 4.2 Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 states that a public notice of the proposed fee changes must appear in the local press. There is a specific timetable for public consultations and no proposed changes will come into force until any response to the formal consultation has been considered by this Committee at a later date. There will be a direct consultation by letter before the date the notice appears in the local press in order to allow enough time for the industry to highlight any concerns.
- 4.3 This notice in the press will include a date upon which the fees would come into force, 28 days after the date of the notice, on condition that there is no objection to the fees. Any objections to the fees would have to be considered by the Committee at its next meeting in September 2018, and a decision would have to be made on fee levels accordingly. The new fees would not come into force until a final decision is made by this Committee.

#### **RECOMMENDATION**

That the Committee approve the proposal to raise the fees to the levels recommended; subject to consultation with the taxi industry and consultation through public notice.