



Complete Agenda

Democratic Services
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

GENERAL LICENSING COMMITTEE

Date and Time

10.00 am, THURSDAY, 11TH APRIL, 2019

Location

Siambwr Hywel Dda, Council Offices, Caernarfon, Gwynedd. LL55 1SH

Contact Point

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(DISTRIBUTED Wednesday, 3 April 2019)

GENERAL LICENSING COMMITTEE

MEMBERSHIP (15)

Plaid Cymru (8)

Councillors

Steve Collings
Dafydd Owen
Peter Read
Vacant Seat x 2 - Plaid Cymru

Annwen Hughes
Edgar Wyn Owen
Elfed Williams

Independent (4)

Councillors

John Brynmor Hughes
Jason Wayne Parry

Eryl Jones-Williams
Angela Russell

Llais Gwynedd (1)

Councillor
Gareth Williams

Individual Member (2)

Councillor

Sion W. Jones

Vacant Seat - Individual Member

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 10.12.2019 be signed as a true record.

5. GENERAL LICENSING SUB-COMMITTEE MINUTES

7 - 14

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

- a) 20.12.2018
- b) 28.01.2019

6. MAXIMUM HACKNEY CARRIAGE JOURNEY FARES

15 - 18

To consider the report of the Head of Environment

7. SUBMISSION OF TERMS OF REFERENCE TO CONSIDER THE CONTENTS OF THE DRAFT COMBINED TAXI LICENSING POLICY

19 - 22

To consider the report of the Head of Environment

Agenda Item 4

GENERAL LICENSING COMMITTEE, 10.12.18

Present: Councillors Annwen Hughes, John Brynmor Hughes, Edgar Wyn Owen, Jason Wayne Parry, Angela Russell, Elfed W. Williams and Gareth Williams

Also in Attendance: Gareth Jones (Senior Planning and Public Protection Manager), Gwenan Mai Roberts (Licensing Manager), Geraint Brython Edwards (Solicitor) and Lowri Haf Evans (Member Support Officer)

1. APOLOGIES

Apologies were received from Councillors Eryl Jones-Williams, Sion Jones and Peter Read

A concern was highlighted about the attendance of some Members. It was noted that the matter had been referred to the Monitoring Officer and the Democratic Services Manager.

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 Chairman signed the minutes of the meeting held on 10 September 2018, as a true record.

5. MINUTES OF THE GENERAL LICENSING SUB-COMMITTEE

Submitted, for information, the minutes of a meeting of the General Licensing Sub-committee that took place on 10.09.2018 and 17.10.2018

6. REVIEWING ARRANGEMENTS FOR MECHANICAL TESTS OF TAXI VEHICLES

A report was submitted by the Head of the Environment Department recommending new arrangements for testing hackney and private hire vehicles over 10 years old. It was highlighted that it was a requirement that every hackney and private hire vehicle had a standard MOT test annually, with an additional

requirement for two mechanical tests once the vehicles reached 10 years old. It was emphasised that these tests were vital for ensuring the safety of taxi vehicles. It was noted that these requirements are incorporated as licensing conditions and had been adopted in the Council's taxi vehicle licensing policy. The requirements were also based on the advice in the Ministry of Transport's good practice guidance.

It was noted, due to concerns over controlling the standard and consistency of mechanical tests, that a number of Councils authorised garages that served the Authority's fleet vehicles to undertake the mechanical tests on licensed vehicles. It was added that this would be advantageous as it would be possible to keep a tight control on the standards and that it was also an opportunity to generate income for the Council.

In response to a question regarding the number of mechanical tests required over the next 12 months on vehicles, it was noted that conducting two tests on vehicles over 10 years old had been included in the numbers contained in the report. It was added that the Council garages were eager to participate in the arrangements, and in order to avoid undue pressure on them, it was proposed that three other garages were authorised as 'reserve' garages during busy periods. It was noted that initial discussions had already taken place with the Royal Mail to use its garage in Bangor as one of the reserve garages as the Royal Mail adhered to national standards in relation to fleet testing. The other two garages had not yet been identified.

In response to a question about the requirements of the second test, it was explained that it was broader than a general MOT and that it would include, for example, the condition of the car, signage, safety belts and first aid provision. It was noted that the check-list was extensive.

In response to a question regarding the age threshold for the use of a car as a taxi, it was noted that 12 years was the period, and that this was under review.

In response to an observation about monitoring the standards of the 16 garages (across Gwynedd) that had been authorised to conduct the tests, it was noted that checks were held by a licensing officer. All garages qualified to offer MOTs also had to comply with VOSA (Vehicle and Operator Services Agency) requirements.

One member was concerned that some taxi companies would deviate from the arrangements, but it was confirmed that it would continue to be mandatory for cars up to 10 years old to be tested by one of the 16 authorised garages. It was reiterated that it would be mandatory for vehicles over 10 years old to be tested by one of the Authority garages.

RESOLVED to accept the recommendation and to approve the new arrangements for the testing of vehicles over 10 years old.

- **That cars over 10 years old that require two mechanical tests per annum are referred to the Council garages at Cibyn, Pwllheli and Dolgellau for the tests.**

- That three other garages are authorised as 'reserve' garages during the periods when Council garages are too busy to undertake the tests.
- That a procedure is established to enable vehicle owners to be able to make arrangements and pay to have vehicle tests in Council garages via a self-service electronic form.
- That a discussion takes place with the Royal Mail's vehicle testing centre in Llandygai in order to try and find out if they would be interested in offering a taxi vehicle testing service.
- That Council garages continue to receive cars for testing occasionally that are randomly referred by the Licensing enforcement officer, in accordance with the inspection powers under section 68 of the Local Government (Miscellaneous Provisions) Act 1976; whatever the age of the vehicle.
- That it is intended that the arrangement will be operational from April 2019
- That vehicles under 10 years old continue to be tested in accordance with the current procedure.

7. TO INFORM THE COMMITTEE ABOUT THE NEXT STEPS FOR PREPARING A NEW UNIFIED TAXI LICENSING POLICY

A verbal update was provided, noting that the unified policy was still being developed, with the intention of submitting a draft in March. It was intended to establish a task and finish group to examine the main aspects of the Unified Taxi Licensing Policy prior to the public consultation. It was also noted that it was intended to establish a terms of reference for the group.

The information was ACCEPTED.

The meeting commenced at 10.00am and concluded at 10.30am

GENERAL LICENSING SUB-COMMITTEE 20.12.2018

Present:: Councillor Elfed Williams (Chair), Councillors Steve Collings and Dafydd Owen

Officers: Geraint B Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager), Owain Williams (Enforcement Officer), Lowri Haf Evans (Member Support Officer) and Alun M Roberts (Public Protection Enforcement Officer) – Observer

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
- The safeguarding of children and young people
- The safeguarding of vulnerable persons
- The public have confidence in their use of licensed vehicles.

The Solicitor highlighted the need for clarity regarding what was to be determined.

a) That it was an application for a hackney/private hire driver's licence before the Sub-Committee. The application before them was not for an operator's licence and therefore the Sub-committee's resolution would not be a presumption of impact on other licences. This would be for discussion at another sub-committee.

b) That the result of the hearing was not a revocation. It was noted that a revocation suggested a driver's licence that was in force. The renewal system did not act as a review of a current licence but as a request for a new driver's licence to be effective from the final date of the current licence. The only possible result from the hearing would be to grant or refuse.

The Licensing Officer 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 DBS record, and the guidelines on relevant criminal offences and convictions.

The applicant's representative was invited to expand on the application and provide information about the background of the offences and the applicant's personal circumstances. It was noted that he had run a business for over 20 years and that reference letters had been submitted noting that he was a good employer and was highly respected in the local community.

In response to a comment regarding the invalidity of the insurance of the car inspected the applicant's representative noted that the vehicle had full insurance, there was no risk to the public, the car was safe and the applicant had not been found guilty. The Enforcement Officer argued that that the comprehensive insurance for the vehicle was invalid at the time of the inspection and a quote from the relevant insurance policy was given with the DBS record.

The applicant and his representative withdrew from the room while the Sub-committee members discussed the application.

RESOLVED that the applicant was not 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 and his representative during the hearing
- reference letters
- the Licensing Department's report along with the DBS statement disclosing convictions.

Specific consideration was given to the following matters.

The applicant had received a formal warning by North Wales Police for disorderly behaviour or use of threatening, aggressive or insulting language likely to cause harassment or distress. (February 2014) contrary to the Public Order Act 1986. On two occasions, (2014 and 2015) the applicant submitted forms to renew a driver's licence and failed to declare on his application form a warning in 2014, contrary to the licensing condition in paragraph 6 of the Council's Licensing Policy.

In January 2018, the applicant was found guilty by Caernarfon Magistrates Court on one charge of allowing a vehicle to be used as a private hire vehicle without a current licence, contrary to section 46 (2) of the Local Government (Miscellaneous Provisions) Act 1976. He received a fine of £450.00, an order to pay costs of £200 and a surcharge of £45 to the victim. As a result of the charge the applicant received a driver's licence revocation notice from the Licensing Authority (February 2018) in accordance with the provisions of section

61 of The Local Government (Miscellaneous Provisions) Act 1976. The revocation was made by an officer under the delegated rights arrangements and not by a Sub-committee. The applicant submitted an appeal to the Magistrates Court regarding the revocation and an arrangement was agreed in a hearing (June 2018) that the applicant would withdraw his appeal, that the Council (Licensing Department) would withdraw the revocation, and the applicant's suitability as a 'fit and proper person' would be determined in a hearing before the Sub-committee.

It was highlighted that the applicant had not disclosed the 2014 warning and the 2018 offence on his application to renew his licence.

In October 2018, when submitting an application form at Siop Gwynedd, Caernarfon, the applicant behaved in an unacceptable manner by verbally responding in a personal and aggressive manner to the Licensing Officer. Likewise, in a telephone call with the Line Manager of the member of staff, the applicant accused the member of staff of lying. On the following day a letter was sent to the applicant by the Line Manager outlining the incident and warning him that no Council officer would tolerate such behaviour.

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 automatically barred from obtaining a licence, but would normally be expected to remain free of 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 applicant has a responsibility to show that he/she is a fit and proper person. Paragraph 2.3 states that the term 'other matters to be considered' may include warnings or other matters that are relevant to 'fitness and propriety'.

Paragraph 4.5 of the Council policy was considered which states that the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 allows the Sub-committee to take into account all convictions recorded against an applicant, whether spent or otherwise under the 1974 Act.

Paragraph 6 of the Policy addresses violent offences and paragraph 6.1 states that licensed drivers have close regular contact with the public therefore the sub-committee should adopt a robust stance with those who have offences involving violence. Paragraph 6.5 of the Policy states that an application for a licence will usually be refused if the applicant has a matter to be considered for common assault that is less than three years prior to the date of application. The paragraph lists amongst other matters offences that deal with common assault and obstruction. Paragraph 6.6 states that an application will normally be refused if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

Paragraph 16.1 of the Council's policy deals with repeat offending. Firstly, it is necessary to ensure that the convictions satisfy the individual policy guidelines, but that they together create a history of repeat offending that indicates a lack of respect for the welfare and property of others. The policy states that 10 years must elapse since the most recent conviction.

Paragraph 17 of the Policy addresses breach of legislation, byelaws and licence conditions. 17.1 states that an applicant with a conviction for the above matters is unlikely to be granted a licence unless a period of at least 12 months has elapsed since the most recent breach.

The Sub-committee concluded that the caution given in 2014 involved violence and should therefore be considered under paragraph 6.5 of the policy. However, as the conviction was historic (beyond the policy requirements of three years) there was no reason to refuse the application. Although the Sub-committee had decided that the conviction on its own was

insufficient to refuse the application, it was recognised that the conviction with a combination of similar convictions, could be grounds to refuse bearing in mind paragraphs 6.6 and 16.1.

The Sub-Committee noted that the applicant's failure in 2014, 2015 and 2018 to disclose the 2014 warning when renewing his licence breached licence conditions. Since the last conviction had occurred three months ago, it was anticipated that there was a need to consider paragraph 17.1. The Sub-committee's attention was drawn to the fact that the 2018 conviction had not been listed on the DBS statement as it was not recognised as a crime by the National Police Records (Recordable Offences) Regulations 2000. However, the Solicitor highlighted, although there was no record of the offence, it was still relevant to the hearing.

In considering the October 2018 incident as outlined by the Licensing Manager, the Sub-committee came to the decision, as the applicant had not taken any steps to argue against the accusations, that the behaviour was of a violent nature. The 2014 warning and the October 2018 incident were considered to be of a violent nature, and they had taken place within the last ten years. Consequently, paragraph 6.6 of the policy was being considered.

Additionally, the 2014 warning, 2018 conviction and the October 2018 incident were a series of repeat offending within ten years, that demonstrated a lack of respect towards the welfare and property of others. Again, this led to the Sub-committee's decision to consider paragraph 16.1.

The Solicitor highlighted, although there were clear reasons to refuse the application, the Policy's provisions were not mandatory, and that it was possible to deviate from the recommendations if the facts of the case justified this.

It was noted that 'fit and proper', amongst other matters, required an assessment of the applicant's business competence, which would include looking at the care given when submitting paperwork to renew a licence. The applicant failed to note the 2014 warning three times which suggested a disorderly slap-dash attitude towards paperwork and an attempt to hide relevant information.

It was noted that 'fit and proper' also considered if the applicant could behave in a way that was not threatening under challenging situations. The applicant should be able to act in a calm and composed manner in any dispute or there would be doubts about the way he treats customers. If the applicant had acted in a proper manner in October 2018, the 2014 warning would be an individual matter and therefore it would not be necessary to consider paragraph 6.6 (re-offending). The Sub-committee noted that in future the applicant when applying for a licence should treat Council officers with respect.

Having considered all the elements, the Sub-committee were not convinced that they should deviate from the presumption to refuse the application. As a result, the application was refused.

The Solicitor reported that the decision would be confirmed formally by letter sent to the applicant and the Licensing Unit would be in contact to confirm the licence documentation.

The meeting commenced at 11.40am and concluded at 12.10pm.

GENERAL LICENSING SUB-COMMITTEE 28.01.2019

Present: Councillor Eryl Jones Williams (Chair), Councillors Annwen Hughes and Jason Wayne Parry

Officers: Geraint B Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager), Alun M Roberts (Public Protection Enforcement Officer) 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 VEHICLE DRIVER'S LICENCE- Mr A

The Chairman welcomed everyone to the meeting. He emphasised 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
- The safeguarding of children and young people
- The safeguarding of vulnerable persons
- The public have confidence in their use of licensed vehicles.

The Licensing Officer presented the written report on the application received from Mr A for a hackney /private hire vehicle driver's licence. The Sub-committee was requested to consider the application in accordance with the DBS record, the guidelines on criminal offences and the applicant's driving licence report provided by the DVLA. Attention was drawn to the fact that the applicant had noted a conviction for an offence under section 4 of the Public Order Act 1986 on his application form that was not included on the DBS record.

The applicant was invited to expand on the application and provide information about the background of the offences and his personal circumstances. He explained each situation in detail, and outlined that he had not received a conviction for failing to disclose information about the identity of a driver, but had received a fixed penalty and points on his licence. He added that he did not regularly drive vehicles, and that he was primarily a back-up driver.

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

RESOLVED that the applicant was a fit and proper person to be issued with a hackney /private hire vehicle 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, the DBS statement and the applicant's driving licence report provided by the DVLA.

Specific consideration was given to the following matters

The applicant had received a conviction in 2012 for an offence under Section 4 of the Public Order Act 1986. In October 2016, he received four penalty points on his driver's licence for breaking the speed limit on a public road. Consideration was given to the additional six points that he received in March 2018 for a breach of requirements regarding control of a vehicle, mobile phones, etc. and a further six points for failing to disclose information about the identity of a driver.

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 would normally be expected to remain free of 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 applicant has a responsibility to show that he/she is a fit and proper person.

Paragraph 4.5 was considered, which states that the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 allows the Sub-committee to take into account all convictions recorded against an applicant, whether spent or otherwise under the 1974 Act.

Paragraph 6 of the Policy deals with offences of violence, and paragraph 6.5 states that an application for a licence will normally be refused if the applicant has a matter under consideration in relation to common assault that is less than three years prior to the date of application.

Consideration was given to paragraph 12.2 that lists serious traffic offences for the purposes of the Policy. Among these offences, MS90 - failure to provide information about the identity of a driver, is included. Paragraph 12.3 of the policy notes that an application will usually be refused where the applicant has a conviction for a major traffic offence and has not been free of the conviction for at least 6 months.

Condition 6 of the hackney and private hire vehicle driver licence was considered, that notes that drivers are required to inform the Licensing Authority about any conviction under traffic legislation. If a breach was found, paragraph 17.1 of the Policy would apply, which outlines that it is unlikely that an application would be approved unless a 12 month period has elapsed since the most recent breach.

The committee came to the conclusion that the conviction dating from 2012 related to violence, but as a period of six years had elapsed since the incident (beyond a three-year period), paragraph 6.5 was not relevant and therefore the Sub-committee was satisfied that this was not grounds to refuse the licence.

Given the driving endorsements, the Sub-committee concluded that they did not reach the threshold for refusal, although they were a matter for concern. It was highlighted that paragraph 13.1 of the Policy defined 'minor traffic offences' as offences that incurred between 1 and 3 penalty points. However, it did not follow that an offence that attracted four or more penalty points counted as a major traffic offence for the purposes of the Policy. A 'major traffic offence' was defined in paragraph 12.2 and the driving matters dating from October 2016 and March 2018 did not fall within those definitions. For the purposes of the policy, it was considered that the endorsement in May 2018 was the only one relating to a major traffic offence, and as the endorsement had occurred over ten months ago, (beyond the six-month period), the refusal under paragraph 12.3 would not be applicable.

Following confirmation from the applicant that he had received a fixed penalty notice and points in relation to the endorsements (not a criminal conviction), the Sub-committee was not of the opinion that there had been a technical breach of condition 6 of the hackney and private hire vehicle driving licence. However, the Sub-committee was of the opinion, as a good practice, that all matters should be reported, and it was recommended that the applicant should inform the Licensing Authority about any future endorsements.

The Solicitor reported that the decision would be confirmed formally by letter sent to the applicant and the Licensing Unit would be in contact to confirm the licence documentation.

6. APPLICATION FOR A HACKNEY/PRIVATE HIRE VEHICLE DRIVER'S LICENCE - Mr B

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
- The safeguarding of children and young people
- The safeguarding of vulnerable persons
- The public have confidence in their use of licensed vehicles.

The applicant was invited to expand on his application and offer an explanation on the offences. He noted that Caernarfon Magistrates Court had allowed the applicant to retain his licence due to his personal circumstances. He explained that a number of points of the license would have expired by the end of February, that would therefore leave a total of five points. The applicant's representative noted that he had not received complaints about Mr A, and he stressed that he was a likeable, courteous and dependable character.

The applicant and his representative withdrew from the room while the Sub-committee members discussed the application.

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

In reaching its 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 and his representative during the hearing
- reference letters
- the Licensing Department's report along with the DBS statement and the applicant's driving licence report provided by the DVLA.

Specific consideration was given to the following matters.

The applicant had received three penalty points for speeding on two occasions in January 2016 (these points expired in January 2019). In February 2016 he received three points for speeding (due to expire in February 2019) and five further points in July 2016 (due to expire in July 2019). The applicant had no other convictions, notices or endorsements.

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 would normally be expected to remain free of 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 applicant has a responsibility to show that he/she is a fit and proper person.

Paragraph 4.5 was considered, which states that the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 allows the Sub-committee to take into account all convictions recorded against an applicant, whether spent or otherwise under the 1974 Act.

Consideration was given to paragraph 12.2 that lists serious traffic offences for the purposes of the Policy. It was noted that SP20 (speeding) was not included on the list, and that paragraph 13.1 noted that traffic offences not listed in the Policy would be considered as 'minor traffic offences'. Paragraph 13.3 notes that more than one 'minor traffic conviction' (including speeding) could result in the refusal of an application, and where there are more than two offences and/or a total of six points on the licence, a licensed driver may be referred to the Sub-Committee.

The Sub-committee concluded that the four incidents of speeding in 2016 meant that paragraph 13.3 was relevant to the discussion. However, the paragraph does not note that an application should be refused, and that this is only a possible option. It was decided that the threshold of 'two offences and/or six licence points' was in relation to a referral, and not a threshold for refusal by the Sub-committee.

The Sub-Committee agreed that the application had reached the threshold for referral as the applicant had been caught speeding on four occasions in 2016, and had eight live points on his licence. However, it was noted that three further points would expire before the end of February that would therefore leave a total of five points on his licence. The fact that the applicant had only received points and not criminal conviction for speeding was also considered.

Having weighed-up the information that had been submitted, the Sub-committee was of the opinion that the speeding offences were not sufficiently serious to warrant the refusal of the application.

The meeting commenced at 2:00pm and concluded at 3.45pm.

COMMITTEE	GENERAL LICENSING COMMITTEE
DATE:	11 APRIL 2019
TITLE:	MAXIMUM HACKNEY CARRIAGE JOURNEY FARES
PURPOSE:	APPROVE A PROPOSAL BY THE INDUSTRY TO INCREASE THE MAXIMUM FARES
AUTHOR:	HEAD OF ENVIRONMENT DEPARTMENT

1.0 BACKGROUND INFORMATION

- 1.1 The Local Government (Miscellaneous Provisions) Act 1976 places regulatory duties on the Licensing Authority in relation to operating a maximum fare that the public can be charged when travelling in hackney vehicles within the County. The Act allows for the provision of a 'table of fares', and this along with the statutory requirement to use a taxi meter, allows a mechanism to regulate the fares charged and to protect public interests.
- 1.2 It is required that any request to change the maximum fare charged is submitted by the industry. A request was recently received from Mr John Pritchard, a taxi company owner, to review the fares. It is a requirement under section 65 of the Act that any proposal to change the fares is advertised in a local paper for a minimum of 14 days to allow for any objection to be considered.
- 1.3 The maximum fare is not relevant to journeys in private hire vehicles booked in advance.
- 1.4 A successful application to increase the maximum fare was received in 2011, and there has been no change since then. See Appendix 1 for a list of the current maximum fares.

2 FACTORS WHICH AFFECT THE COSTS OF TAXI BUSINESSES

- 2.1 Over the past six years, the Council has had to increase the fees charged for driver's licences, taxi licences and taxi operator licences in order to attempt to recover the costs of processing and administrating licences; this has increased the financial burden on the industry.
- 2.2 Although there has been no increase in fuel costs on average since 2011, the costs of appropriate insurance for licensed vehicles have increased.

3. PROPOSAL FOR THE NEW MAXIMUM FARE FOR HACKNEY VEHICLE JOURNEYS

- 3.1 The maximum fares for journeys in hackney vehicles for the six counties of North Wales can be seen in the table below. For comparison, the proposed maximum fare for Gwynedd is also included.

Table - an equivalent fare for a 2 mile journey

Current Gwynedd	Proposed Gwynedd	The current average of six counties	Anglesey	Conwy	Flintshire	Denbighshire	Wrexham
£5.00	£6.00	£5.90	£6.00	£5.20	£6.20	£6.00	£7.20

- 3.2 The proposed increase for the hackney vehicle journey maximum fare has been calculated by adding inflation at an average of 2.6% per year to the price of the journey per mile that was fixed in 2011. Bank of England figures have been used for this purpose.
- 3.3 It is not recommended that additional fees such as the waiting time rate, or fees for carrying additional bags etc., are changed. See appendix 2 of the report for full details, and for a comparison with the other counties of North Wales.
- 3.4 It is important to note that some taxi companies do not charge the maximum fare for hackney vehicle journeys. Many companies choose not to do so, and charge lower fares in accordance with what is considered to be a competitive rate.

4. CONSULTATION WITH THE INDUSTRY

- 4.1 If this Committee accepts the recommendation, we will hold a consultation on the proposal for 14 days in a local newspaper, with the intention of implementing the new maximum fare from the end date of the notice.
- 4.2 If any objections to the proposal come to hand during the consultation period, the recommendation will be referred back to this Committee to consider the basis of the objection, and it will not be implemented until a final decision is made by the Committee.

RECOMMENDATION

That the Committee approves the proposal to increase the maximum price that the taxi industry can charge for journeys in the County's hackney vehicles.

CYNGOR GWYNEDD COUNCIL

PRISIAU CLUDO CERBYD HACNI / HACKNEY CARRIAGE FARE

yn weithredol trwy ardal y Cyngor o 1af Tachwedd 2011
in operation throughout the area of the Council as from 1st November 2011

(1) Milltiroedd / Mileage

<i>Oni fydd y pellter cyfan yn fwy nag un filltir</i> If the distance does not exceed one mile for the whole distance.....	£3.00c/p
<i>Os yw'r pellter yn fwy nag un filltir:- am y filltir cyntaf</i> If the distance exceeds one mile:- for the first mile.....	£2.50c/p
<i>Am bob degfed rhan o filltir wedyn neu ran o hynny</i> For each subsequent one-tenth of a mile or uncompleted part thereof.....	£0.25c/p

(2) Amser Disgwyl / Waiting Time

<i>Am bob cyfnod o 1 munud neu ran o hynny</i> For each period of 1 minute or uncompleted part thereof.....	£0.25c/p
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(3) Taliadau Ychwanegol / Extra Charges

- a) *Am logi'r cerbyd rhwng hanner nos a 7 y.b. unrhyw ddydd neu ar unrhyw amser ar Wyl y Banc, heblaw am Ddydd Nadolig a Dydd Calan* 50% o'r cyfradd dâl uchod
For hirings between midnight and 7.00a.m. on any day or at any time on Bank Holidays *except* Christmas Day and New Year's Day..... 50% of the above rates
- Dydd Nadolig a Dydd Calan* 100% o'r cyfradd dâl uchod
Christmas Day and New Year's Day 100% of the above rates
- b) *Am bob cês a bag yn ychwanegol at un cês a gludir tu allan i'r caban teithwyr*
For each article of luggage in excess of one case conveyed outside the passenger compartment of the carriage £0.30c/p
- c) *Am bob person yn fwy nag un, am y cyfan o'r daith*
For each person in excess of one of the whole journey £0.40c/p
- ch) *Am gludo anifeiliaid, h.y. Cwn a Cathod*
Carriage of animals, i.e. Dogs and Cats..... £1.20c/p
- Nodir: Fod dim tâl i'w godi am gludo Ci Tywys**
Note: No Charge shall be made for the carriage of Guide Dogs.
- d) *Baeddu'r Cerbyd*..... £45.00c/p
Soiling the Vehicle

Dafydd Williams
Pennaeth Adran Amgylchedd/Head of Environment Department
Gwasanaeth Gwarchod y Cyhoedd/Public Protection Services

Cyngor Gwynedd Council
Swyddfeydd y Cyngor / Council Offices
Stryd y Jêl / Shirehall Street
CAERNARFON
Gwynedd LL55 1SH

Comparison table for Hackney Carriage Fares

Additional 20% inflation Average prices

Miles	Gwynedd	Gwynedd new prices	Average county prices	Anglesey	Conwy	Flintshire	Denbighshire	Wrexham
If the distance does not exceed one mile for the whole distance	£ 3.00	£ 3.60	£ 3.08	£ 3.00	£ 2.80	£ 3.10	£ 3.00	£ 3.60
If the distance exceeds one mile, for the first mile	£ 2.50	£ 3.00	£ 2.90	N/A	£ 2.60	£ 3.10	N/A	£ 3.60
For each subsequent one-tenth of a mile or uncompleted part thereof	£ 0.25	£ 0.25		£ 0.28	£ 0.26	£ 0.16	£ 0.20	£ 0.19
For each subsequent 216 yards or part thereof	N/A	N/A		N/A	N/A	£ 0.20	N/A	N/A
For each 184 yards	N/A	N/A		N/A	N/A	N/A	N/A	£ 0.20
Waiting time								
For each period of 1 minute or uncompleted part thereof	£ 0.25	£ 0.25		£ 0.25	£ 0.20	£ 0.20	£ 0.30	£ 0.24
For each period of 1 minute or uncompleted part thereof (Between 12pm and 6am)	N/A	N/A		N/A	N/A	N/A	£ 0.40	N/A
Extra charges								
For hirings between 12am-7am on any day or at any time on Bank Holidays, except Christmas Day and New Year's Day (12am-6am for Flintshire, Denbigh and Wrexham)	+50% of the above rates	£ 5.40	£ 4.63	+100% of the above rates (50% on Bank Holidays)	+50% of the above rates	+50% of the above rates	+50% of the above rates	£3.60 (Additional 10% for journeys ending outside of the Borough or pre-booked journeys)
Christmas Day and New Year's Day (Christmas Day and Good Friday in Conwy) Boxing Day is also included in Flintshire, Denbigh, Wrexham and Anglesey	+100% of the above rates	£ 7.20	£ 8.20	+100% of the above rates	+100% of the above rates	+100% of the above rates	+50% of the above rates	+75% of the above rates
For hirings begun between 6pm and midnight on Christmas Eve/New Year's Eve	N/A	N/A		N/A	+50% of the above rates	N/A	N/A	N/A
For each article of luggage in excess of one case conveyed outside the passenger compartment of the carriage	£ 0.30	£ 0.30		£ 0.25	£ 0.20	£ 0.20	£ 0.20	£ -
For each person in excess of one of the whole journey (more than two in Flintshire)	£ 0.40	£ 0.40		£ 0.40	£ 0.20	£ 0.15	£ -	£ -
Carriage of animals, i.e Cats and Dogs	£ 1.20	£ 1.20		£ 1.20	£ 0.30	£ 0.50	£ 0.20	£ -
Soiling the vehicle	£ 45.00	£ 45.00		£ 45.00	£ 100.00	Not stated	£ 100.00	£ 50.00

COMMITTEE	GENERAL LICENSING COMMITTEE
DATE:	11 APRIL 2019
TITLE:	SUBMISSION OF TERMS OF REFERENCE TO CONSIDER THE CONTENTS OF THE DRAFT COMBINED TAXI LICENSING POLICY
PURPOSE:	ESTABLISH A TASK AND FINISH GROUP OF COMMITTEE MEMBERS TO CONSIDER THE CONTENTS OF THE DRAFT COMBINED TAXI LICENSING POLICY
AUTHOR:	HEAD OF ENVIRONMENT DEPARTMENT

1.0 BACKGROUND INFORMATION

- 1.1 The current taxi licensing 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 11 September 2017, the General Licensing Committee resolved to approve the general direction of main proposals to review current policies in relation to taxi licensing and to create a new combined taxi Licensing policy; which would be subject to public consultation prior to its final approval by this Committee. It was accepted that it was necessary to update and review the Taxi Licensing policies due to the increase in the number of applications to licence vehicles that did not comply with the policy and as a result of the Deregulation Act 2015.
- 1.4 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 'fit and proper' to be a driver or operator. The Combined policy will also include licensing conditions and vehicle standards.
- 1.5 At a meeting of this Committee on 11 December 2017, the recommendation to implement the requirements of section 165, 166 and 167 of the Equality Act 2010 was approved in relation to the provision of taxi vehicles that are wheelchair accessible. It was agreed that a policy would be provided, as well as criteria for exemptions; and to produce procedures to deal with drivers who are not able to comply with the duties imposed by the Act for medical or physical reasons. It was agreed that a policy and procedures, in relation to implementing the provision of wheelchair accessible vehicles, would be included in the new combined taxi Licensing policy.
- 1.6 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.

1.7 In accordance with the discussion held at the previous meeting of this Committee in December 2018; it was agreed to submit terms of reference to the Committee in order to set a direction for a discussion and decision on the new combined taxi Licensing policy.

1.8 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.

2.0 SCOPE OF THE TERMS OF REFERENCE

2.1 The main changes of the draft combined policy have already been submitted to this Committee for discussion in September 2017 - as follows -

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.

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.

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.

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.

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 'exceptional condition'. The proprietor of the vehicle will be expected to provide regular evidence of the suitability and safety of the vehicle.

Vehicles with wheelchair access. Historically, the percentage of hackney carriages that had wheelchair access was 13%, and it can be confirmed that the percentage has remained at 13%.

The Council will attempt to maintain the current ratio of 13% of vehicles with wheelchair access.

Proposal 5: All proprietors will be encouraged to licence as many wheelchair-accessible hackney carriages as they deem necessary. However, Gwynedd Council 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's size was 14 hackney carriages, the requirement would be for at least two of the 14 vehicles to be wheelchair accessible.

- 2.2 The new combined policy will also address additional points raised by members during the discussion in September 2017.
- 2.3 As well as the most contentious main proposals that have already been discussed - a discussion is invited on the following matters -
- 2.4 **Licensing Objectives**
- 2.5 In accordance with other Licensing policies adopted by the Council - such as the Statement of Licensing Policy and the Statement of Gambling Policy - Licensing objectives will be introduced which will be the foundation of the new combined taxi Licensing Policy . **We are eager to obtain the opinion of members in respect of the promotion of the following objectives -**
- **Public safety**
 - **Prevention of crime and disorder**
 - **Prevent harm and discrimination**
 - **Promote a professional and reliable taxi industry**
- 2.6 **Applications for a taxi driver licence**
- 2.7 **Awareness raising courses** - The Licensing Unit has already been encouraging all taxi drivers to attend an awareness raising course on matters relating to safeguarding children and vulnerable adults. Following a discussion with you as members - we intend to facilitate flexibility in the new policy to present the need for applicants for taxi licenses to undertake any training courses that are deemed appropriate. **The members' opinion on this is invited.**
- 2.8 **Reinforcing the 'fit and proper person' criteria** - specific requirements are presented in relation to statutory checks introduced by the Immigration Act 2016. In addition, members' opinion is invited on including the need to provide information in a particular form in the policy - for example, introducing a condition that taxi drivers must subscribe to the DBS on-line updating service.
- 2.9 The Institute of Licensing published a document in April 2018 (*Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades*) that provides guidance for officers and members on making decisions on the suitability of applicants in the hackney and private hire industry. **The members' opinion on the document is invited; and whether or not it should be adopted as an additional guide to be considered alongside the Council's 'Suitability Criteria for Drivers and Operators' Policy.**
- 2.10 **Fees** The principle of making a payment for an application and payment for a licence is introduced. This means that a refund can be given to an unsuccessful applicant for the relevant fee to process and issue the licence.
- 2.11 **Applications for a vehicle licence**
- 2.12 **Applicant suitability for a vehicle licence** - A requirement is introduced for the owner of the vehicle, namely the person making the application for a taxi vehicle licence - to submit evidence with the application to prove that he/she is a 'fit and proper' person.

The applicant will need to submit relevant documents to prove this, including a DBS certificate. **The members' opinion on this is invited**

- 2.13 **Public Liability Insurance** - It is intended to introduce the need for a vehicle licence applicant to submit evidence of public liability insurance along with other necessary documents to prove the suitability of the vehicle. **The members' opinion on this is invited**
- 2.14 **Vehicle age** - It is not intended to restrict applications for a hackney vehicle or private hire licence to vehicles that are 3 or 6 years old as included in the current policy. There is an intention to obtain the opinion of members on abolishing a specific age requirement when making an application for a vehicle licence - but to keep the maximum age of 12 years to ensure that vehicles over 12 years old are not licensed; nor any vehicle that is unsuitable and unsafe.
- 2.15 **Vehicle tests** - it is intended to continue to operate a system where a vehicle reaching 10 years old receives an additional mechanical Test by the Council half way through the licence period; and at a test centre determined by the Council. Also, it is intended to introduce a condition to ensure that mechanical tests are undertaken by test stations/garages that have no connection with a taxi business. **The members' opinion on this is invited**
- 2.16 **Applications for an operator's licence**
- 2.17 **Immigration Act 2016 Checks** - the need to undertake identity checks on applicants is introduced in accordance with the Act. Applicants seeking an operator's licence will be expected to prove that they are a 'fit and proper' person in the same way as vehicle owners and drivers; and they will be expected to submit relevant documents in order to do so; and to submit their application in person. **The opinion of members on the documents and information that applicants seeking an operator's licence are expected to submit with an application, is invited.**

3.0 THE NEXT STEPS

- 3.1 Members are asked to nominate representatives from the Committee to participate in the Task and Finish Group which will be established to consider the draft policy.
- 3.2 Members are asked to consider the above points that have been included in the terms of reference and to propose any additional matters that should be included in the Terms of Reference, for discussion and a decision by the Task and Finish Group.
- 3.3 After the Task and Finish Group has met and their observations have been considered, the draft Policy will be the subject of an equality impact assessment prior to the public consultation.
- 3.4 Any representations following the consultation will be reported back to this Committee, before a final decision is made on approving the Policy.