
GENERAL LICENSING COMMITTEE, 12.02.19

Present: Councillors Annwen Hughes, John Brynmor Hughes, Gareth Jones, Eryl Jones-Williams, Dafydd Owen, Edgar Wyn Owen, Roy Owen, Jason Wayne Parry, Peter Read, W. Gareth Roberts, Elfed W. Williams (Chair) and Gareth Williams.

Also in Attendance: Gareth Jones (Assistant Head - Planning and Environment), Gwenan Mai Roberts (Licensing Manager), and Lowri Haf Evans (Democratic Services Officer)

1. APOLOGIES

Apologies were received from Councillor Angela Russell.

Councillor W. Gareth Roberts was welcomed as a new member to the General Licensing Committee.

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 a meeting of this Committee, that took place on 9 September 2019, as a true record.

5. MINUTES OF THE LICENSING SUB-COMMITTEES

Accepted, for information, the minutes of the Sub-committee held on 1st of August 2019, 18 September 2019, 20 September 2019 and 7 October 2019

6. DELEGATION OF RIGHTS TO DETERMINE APPLICATIONS FOR TAXI LICENCES.

A report was submitted by the Head of Environment requesting the Committee to support the principle of reviewing the current delegation scheme. It was explained that the Council, as a Licensing Authority had a duty under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 to licence private hire and hackney vehicle drivers, vehicles and operators. It was added that the Licensing Authority was required to ensure that an individual applying for a driver's/operator's licence, or applying for the renewal of such a licence, was a 'fit and proper' person to hold that licence. Members were reminded that the main purpose of licensing vehicles, operators and drivers was to safeguard public health. This was the priority the Council considered when adopting a specific procedure to try and address this.

Attention was drawn to the Constitution's wording that sets out a specific procedure in terms of which decisions are delegated to officers; and which decisions fall under the Sub-committee's responsibility together with the delegated rights given to the Head of Environment who authorises officers on his behalf.

In discussing the current procedure, it was noted that the Sub-committee's decisions were resilient as each applicant received a fair hearing. Every applicant was given an opportunity to give the background to the crimes and the Licensing Officer's report and recommendation as well as the evidence submitted ensure that the Sub-committee has all the evidence and information necessary to reach a decision. The applicant receives a full oral and written explanation of the reasoning behind the decision by the Solicitor.

Members' attention was drawn to the four initial options proposed by the Head of Environment. It was highlighted that the arrangement to delegate decisions varied from Council to Council, but in terms of Gwynedd Council it was outlined that the Sub-committee had an important role in considering and reaching decisions regarding licences, but it seemed that the challenge lies in defining the circumstances in which an application should be referred to the Sub-committee.

It was proposed and seconded to consider to review the current delegation plan and give the Licensing Service the right, in consultation with the Legal Department to make further enquiries into the initial options.

Observations arising from the ensuing discussion:

- It was accepted that some applicants had to wait a long time for a decision
- That some determinations were easy to delegate.
- That an unnecessary workload was being created by the current system.
- That the Sub-committee was willing to take the load rather than place too much responsibility on an officer.
- It was time to modernise and review the procedure.
- That conduct had to be considered if there was no conviction.

The Solicitor added that the wording of the options in the report were too general and specific, definitive and detailed wording was required for the final options.

RESOLVED:

- **To accept the report**
- **support the principle of reviewing the current delegation scheme**
- **Consider the initial options and give approval for the Licensing Service, in consultation with the Legal Service, to look in greater detail at the options - or a combination of the options - and to report back to the Committee with final options and the preferred option before the end of March 2020.**

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