

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LICENSING COMMITTEE

Minutes of the meeting held at the County Borough Council Offices, The Pavilions, Cambrian Park, Clydach Vale on Tuesday, 21 January 2014 at 5:00pm.

PRESENT

County Borough Councillor A. S. Fox – in the Chair

County Borough Councillors

(Mrs) T. A. Bates	R. B. McDonald	G. Smith
S. A. Bradwick	I. Pearce	L. Walker
A. S. Fox	B. Morgan	E. Webster
(Mrs) S. Jones	S. Powderhill	T. Williams
(Mrs) C. Leyshon	J. Rosser	

Officers in Attendance:

Mr P J Mee - Service Director, Public Health & Protection

Mrs R. Smith –Solicitor

Mrs M Williams – Licensing Manager

Mr L Morgan – Assistant Licensing Manager

64. DECLARATIONS OF INTEREST

The following declaration of personal interest was received from County Borough Councillor C. Williams in relation to agenda item 7 Consideration of Application for a Pet Shop –“The applicant is known to me from a previous application, it is also a prejudicial interest and I will leave the meeting for this item“

65. HUMAN RIGHTS ACT 1998 AND CRIME AND DISORDER ACT

RESOLVED – to note that when Members determine the licensing and registration matters before them, they have a duty not to act in a manner that is incompatible with the convention on Human Rights and the Crime and Disorder Act.

66. MINUTES

RESOLVED to approve as an accurate record the minutes of the meeting of the Licensing Committee held on the 3rd December 2013 and the meeting of the Special Licensing Committee held on the 11th December 2013.

REPORTS OF THE SERVICE DIRECTOR PUBLIC HEALTH AND PROTECTION

67. LICENCES AND REGISTRATIONS ISSUED UNDER THE PROVISION OF DELEGATED POWERS

In his report, the Service Director, Public Health and Protection presented Members with details of licences and registrations issued during the period 18th November 2013 to the 5th January 2014. Following consideration of the report it was **RESOLVED** to note the content.

68. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED – that the press and public be excluded from the meeting under Section 100A(4) of the Local Government Act, 1972 (as amended) for the following items of business on the grounds that they involve the likely disclosure of exempt information, as defined in paragraph 12 of Schedule 12A of the Act, namely, information relating to a particular individual. Transparency in the conduct of Local Authority business is desirable; however personal data relating to the conduct and capabilities of individuals will be discussed and considered. Consequently, it is considered the public interest in maintaining the exemption outweighs the public interest in disclosing information.

69. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER LICENCES

In his report, the Service Director, Public Health and Protection set out details of the following applications in respect of renewal/review of Hackney Carriage/Private Hire Vehicle Licenses which required consideration by Members.

- 1) At this juncture in the proceedings the Service Director, Public Health & Protection informed the Committee that Mr SAK of Cardiff was not yet in attendance so with the permission of the Chairman it was **RESOLVED** to consider the agenda out of sequence as detailed in the minutes below.
- 2) In accordance with adopted procedures, the committee received Mr MJB of Mountain Ash whose application for the renewal of a Joint Hackney Carriage/Private Hire Vehicle driver licence was brought before Members. The Service Director Public Health & Protection reported orally on an error within the report, in that the offence detailed at 2.2 should be deleted and only the offences listed at 2.1 and 2.3 should be taken into account. Mr MJB outlined to Members the circumstances surrounding his convictions and in addition, information was provided by the South Wales Police Officer. During the proceedings the Service Director, Public Health & Protection read aloud a letter from Laser Travel Ltd confirming that the applicant did lease a vehicle from them as stated in his evidence. Following consideration of the application members of the Committee **RESOLVED** to grant the licence of Mr MJB of Mountain Ash with the requirement that he attains the BTEC Level 2 certificate in

Transporting Passengers for Hire & Reward within a period of 2 months and subject to a stern warning letter being placed on record.

(**Note:** Prior to the applicant leaving the meeting, the Chairman emphasised the need to have due regard to the warning issued by the Committee as failure to do so may affect determination of future applications)

- 3) In accordance with adopted procedures, the Committee received Mr SL of Porth, who was present before Members of the Committee so that a review of his Joint Hackney Carriage/Private Hire Vehicle Driver Licence could be undertaken following information received from Rhondda-Cynon-Taf Trading Standards Department. Mr SL of Porth confirmed the details within the report were correct and outlined the circumstances surrounding the events which led to his conviction. Following consideration of the evidence members of the Committee **RESOLVED** to allow the licence to continue with a requirement to obtain the BTEC Level 2 Certificate Transporting Passengers for Hire & Reward within a period of 2 months.
- 4) In accordance with adopted procedures, the Committee received Mr JLP of Porth, who was present before Members of the Committee so that a review of his Joint Hackney Carriage/Private Hire Vehicle Driver Licence could be undertaken following information received from South Wales Police. The applicant was in attendance with Mr SS, Transport Manager at Laser Travel Ltd who was present to support his employee. Following consideration of the written and oral evidence members of the Licensing Committee **RESOLVED** to allow the licence to continue but with a requirement to obtain the BTEC Level 2 Certificate Transporting Passengers for Hire & Reward within a period of 2 months (on the understanding that Mr JLP would be offered support to attain the qualification given that the Licensee has learning difficulties)

(Members of the Licensing Committee made a request to receive further information in respect of the BTEC Level 2 Certificate at a subsequent meeting of the Licensing Committee in order to familiarise themselves with the qualification).

- 5) The Service Director, Public Health & Protection advised the Licensing Committee members that the Review of Fit & Proper Person criteria for Mr CW of Aberdare had been withdrawn following notification from South Wales Police that a pending matter had yet to be concluded and it was **RESOLVED** to note the situation and the deferral of the item to the meeting scheduled for 15th April 2014.
- 6) The Service Director, Public Health & Protection informed Members that Mr MJBD of Porth was not in attendance and therefore it was **RESOLVED** to defer determination of his application to the next appropriate meeting of the Licensing Committee, to afford him the opportunity to present himself to Members so that they can consider the

circumstances surrounding the offences recorded against him and that his failure to attend on a second occasion will result in the matter being determined in his absence.

- 7) Members were informed that Mr SWY of Taffs Well – Application for the renewal of a Hackney Carriage/Private Hire Vehicle Driver Licence - was not in attendance for the second occasion and it was **RESOLVED** to determine the application in his absence.

Following consideration of the application it was **RESOLVED** unanimously to refuse the application of Mr SWY of Taffs Well as Members were of the opinion that he was not a fit and proper person to hold such a licence, in view of the serious nature of the offences committed.

- 8) The Service Director Public Health & Protection confirmed that Mr SAK of Cardiff was now present to address members of the Committee.

In accordance with adopted procedures the Committee received Mr SAK of Cardiff whose application for the renewal of a Joint Hackney Carriage/Private Hire Vehicle driver licence was brought before Members for consideration. Mr SAK confirmed that the details within the report were accurate and explained the circumstances surrounding his convictions. In addition to the evidence presented before Committee the South Wales Police Officer was called upon to corroborate details of one of the Licensee's offences.

Following consideration of the matter it was **RESOLVED** to grant the licence of Mr SAK of Cardiff with the requirement that he attains the BTEC Level 2 certificate in Transporting Passengers for Hire & Reward within a period of 2 months and subject to a stern warning letter being placed on record.

(**Note:** Prior to the applicant leaving the meeting, the Chairman emphasised the need to have due regard to the warning issued by the Committee as failure to do so may affect determination of future applications)

70. CONSIDERATION OF APPLICATION FOR PET SHOP LICENCE

The Service Director Public Health & Protection presented his report to Members in respect of an application for a pet shop licence where the applicant is subject to pending criminal proceedings in respect of animal welfare issues.

Members were reminded that the applicant's business partner Mr RAB had previously applied for a Pet Shop licence (extract of that committee report was attached to the report as Appendix 1A for the benefit of members). At that time committee resolved that *final consideration of the application be deferred for a period of 3 months and authorised the*

Director of Public Health & Protection to refuse the licence should the applicant fail to meet the standards required to allow the licence to be granted. An Improvement Notice was duly served by the Animal Health Team which had the impact of securing an improvement in standards.

The Service Director Public Health & Protection outlined the events which led to the deterioration of conditions at the premises and the applicants being formally charged with 18 offences regarding the neglect and suffering of animals. Photographic evidence highlighting the poor conditions at the premises was attached to the report for Members to consider.

In accordance with adopted procedures Committee received the applicant Ms GC who introduced her business partner as Mr RB. They were given the opportunity to address members of the committee and explain the circumstances leading up to a formal charge and summons being served. There also followed a series of questions from Members of the Licensing Committee to the applicant in respect of her current application.

Following consideration of the written and oral evidence Members of the Committee **RESOLVED** to refuse the application as they did not consider the applicant to be a suitable person to hold a Pet Shop Licence. Members felt that in the absence of a certified qualification and evidence of good practice the applicant had not demonstrated the necessary knowledge and experience to ensure the wellbeing of livestock, notwithstanding that the pending offences have yet to be concluded.

(**Note:** Having previously declared a personal and prejudicial interest (to which Minute No. 64 refers) County Borough Councillor C. Williams left the meeting for the duration of the item).

71. ENFORCEMENT SUMMARY

The Service Director Public Health and Protection provided Members with a summary of recent enforcement activity in respect of Taxi and Miscellaneous Licences for the period 18th November 2013 to 5th January 2014.

Updates were provided in relation to both complaint led enforcement activity and proactive vehicle and driver checks and a further report was presented in respect of the Pontypridd Taxi Rank and the ongoing racial tensions. Committee was informed of the outcome and subsequent measures now in place following a meeting involving representatives from several agencies and some licensed drivers, to overcome the issues at the Pontypridd Taxi Rank.

There was no Prosecution and Appeal information to consider for this period and it was **RESOLVED** to note the content which had been provided for information only.

72. SUMMARY OF LICENCES ISSUED UNDER PROVISION OF DELEGATED AUTHORITY

In his report the Service Director, Public Health and Protection provided a summary of Licences and/or Registrations issued under provisions of Delegated Authority for the period 18th November 2013 to the 5th January 2014 and it was **RESOLVED** to note the report.

A S Fox
Chairman

The meeting closed at 7.15pm