

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LICENSING COMMITTEE

Minutes of the Special Meeting held at the County Borough Council Offices, The Pavilions, Cambrian Park, Clydach Vale on Wednesday, 30 April 2014 at 10.00am

PRESENT

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

County Borough Councillors

T. A. Bates	I. Pearce	G. Smith
S. A. Bradwick	B. Morgan	L. Walker
(Mrs) C. Leyshon	S. Powderhill	T. Williams

Officers in Attendance:

Mr P J Mee - Service Director, Public Health & Protection
Mr P. Nicholls–Principal Solicitor
Mrs M Williams – Licensing Manager
Mr L Morgan – Assistant Licensing Manager

93. APOLOGIES FOR ABSENCE

An apology for absence was received from County Borough Councillors (Mrs) S. J. Jones and E. Webster.

94. DECLARATIONS OF INTEREST

There were no declaration of personal interest in matters pertaining to the agenda.

95. 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.

REPORTS OF THE SERVICE DIRECTOR PUBLIC HEALTH AND PROTECTION

96. REVISION OF TECHNICAL STANDARDS: HACKNEY CARRIAGE/ PRIVATE HIRE VEHICLES

In his report, the Service Director, Public Health and Protection presented Members with details of the revision of technical standards to Hackney Carriage/Private Hire Vehicles. The Committee was informed that the purpose of the report was to appraise Members of the proposed

policy regarding vehicles considered suitable for licence as Hackney Carriages & Private Hire Vehicles, to review conditions of the licence for such vehicles to ensure the comfort and safety of fare paying passengers and to ensure the vehicle fleet meets the transport needs of the communities it seeks to service.

The Service Director Public Health & Protection directed Members to page seven of the report which summarised the key changes to the revised policy statement. It was confirmed that the proposed changes will be the subject of a 28 day consultation, the results of which will be reported to Members of the Committee in due course. The Service Director also announced that a Road Show has been arranged for the 21st May 2014 to be held in Abercynon Sports Centre for the benefit of taxi operators and Licensees and with formal invitations for Members of the Committee being sent out over the next few days.

Following consideration of the report it was **RESOLVED** to:-

1. Note the contents of the report which is provided for information
2. Agree to the proposal of the Divisional Director Public Health & Protection to consult with stakeholders in respect of the proposed changes to vehicle specification; such consultation to be for a period of 28 days
3. That the outcome of the consultation process be the subject of a further report to this Committee, together with any changes to the draft vehicle specification that may be necessary, prior to their inclusion in a formal policy statement.

The Chairman announced a short adjournment at this juncture in the proceedings to allow officers time to liaise with the taxi operators present and explain to them the decision that Committee had taken in respect of the revision of technical standards.

97. 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.

**98. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
– APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE
VEHICLE DRIVER LICENSES**

In his report, the Service Director, Public Health and Protection set out details of the following applications in respect of the grant or renewal/review of Hackney Carriage/Private Hire Vehicle Licenses which required consideration by Members. Committee agreed to receive Mr AM of Cardiff in the first instance and consider the agenda out of sequence as detailed below.

1. In accordance with adopted procedures Committee received Mr AM of Cardiff whose application for the review of Fit & Proper Person criteria was brought before Members for consideration following a number of complaints which suggest that Mr AM is unable to perform his duties of HC/PHV Driver in a satisfactory manner. The Licensee confirmed the details within the report were accurate and he introduced the person in attendance with him as his Legal Representative. Mr AM explained the circumstances surrounding the complaints received with the assistance of his representative.

Following consideration of the report Committee **RESOLVED** to revoke the Hackney Carriage/Private Hire Vehicle licence of Mr AM of Cardiff as they were of the opinion that he did not meet the fit and proper criteria required to hold a Hackney Carriage/Private Hire Vehicle Drivers Licence in view of the available antecedent history. Members specifically took into account the complaint history as set out in paragraph 3.4 of the report when reaching their decision to revoke.

There followed a discussion in respect of the merits of Licensees having to sit a local knowledge test (which is already a requirement in Cardiff City Council) which may incur an additional cost to the applicant. The Service Director Public Health & Protection confirmed that further consideration would be given to the issue.

2. Pursuant to the meeting held on the 15th April 2014, Minute No. 88 (1) refers, when Committee were informed that that Mr SH of Cardiff was not in attendance due to a holiday commitment the Service Director Public Health & Protection presented his report to members of the Committee in respect of the application for the grant of a Hackney Carriage/Private Hire Vehicle Driver Licence. In accordance with adopted procedures Committee received Mr SH of Cardiff to consider his application. The applicant confirmed the details within the report were correct and introduced the person in attendance with him as his wife. With the permission of the Chairman the Service Director, Public Health & Protection read aloud from a letter submitted by the applicant in support of his application to be considered in conjunction with all other evidence. (The officer later confirmed to members of the Committee that the letter was dated 2012 and referred to a previous application for a licence with Cardiff City Council). The

applicant continued to explain, with the assistance of his wife, the circumstances surrounding his offence.

Following consideration of the application Members of the Committee **RESOLVED** to refuse the application for the grant of a Hackney Carriage/Private Hire Vehicle Driver Licence as they were of the opinion that Mr SH of Cardiff did not meet the fit and proper criteria required to hold a Hackney Carriage/Private Hire Vehicle Drivers Licence with particular regard to the Policy on relevance of convictions 17.1 and in view of the fact that insufficient time had elapsed since the date of the applicant's most recent conviction.

3. The Chairman advised that Mr AT of Treorchy was not present despite the fact that this was the second opportunity afforded to him to address the Committee in support of his application. Members **RESOLVED** to refuse the application of Mr AT of Treorchy, renewal of a Hackney Carriage/Private Hire Vehicle Driver Licence as Members were of the opinion that he was not a fit and proper person to hold such a Licence, in view of the fact that the applicant had failed to present himself for a second time to Members to afford them the opportunity of determining the circumstances surrounding the complaints recorded against him.

99. CONSIDERATION OF APPLICATIONS FOR DETERMINATION UNDER PROVISIONS OF SCRAP METAL DEALERS ACT 2013

In his report, the Service Director, Public Health and Protection set out details of the following applications in respect of the issue/renewal of licences for determination under the provisions of Scrap Metal Dealers Act 2013.

1. The Chairman advised that Mr DJF of Caerphilly was not in attendance therefore Members **RESOLVED** to defer consideration of his application for a mobile collection licence until the next appropriate meeting of the Licensing Committee to afford Mr DJF the opportunity of presenting himself to Members, so that they could have the opportunity of determining the circumstances surrounding the offences recorded against him, but that failure to attend on that occasion would result in the matter being determined in his absence
2. In accordance with adopted procedures the Committee received Mr KH of Pontypridd whose application for a mobile collection licence required consideration by members of the Licensing Committee. The applicant confirmed the details within the report were accurate but clarified that two of the offences had been considered and heard by the Magistrates at the same time. Mr KH of Pontypridd described the circumstances surrounding his offences and Members were given the opportunity to question the applicant.

Following consideration of the report and upon the Police withdrawing their objections to the grant of the licence, the Committee **RESOLVED** to grant the application for a Mobile Collector Licence.

3. In accordance with adopted procedures the Committee received Mr MHJ of Tonypandy whose application for a site licence required consideration by members. Mr MHJ was asked to outline the events leading up to the offences and Members of the Committee were given the opportunity to question the applicant.

Following consideration of the report and upon the Police withdrawing their objections to the grant of the licence, the Committee **RESOLVED** to grant the application for a site licence.

A. S. Fox
Chairman

The meeting closed at 11.45am