

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, 2 December 2014 at 5:00pm.

PRESENT

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

County Borough Councillors

S. A. Bradwick	G. Smith
(Mrs) S. J. Jones	L. G. Walker
(Mrs) C. Leyshon	E. Webster
I. Pearce	T. Williams
B. Morgan	

Officers in Attendance:

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

41. APOLOGIES FOR ABSENCE

An apology for absence was received from County Borough Councillors (Mrs) T. A. Bates, R. B. McDonald and J. Rosser

42. DECLARATIONS OF INTEREST

There were no disclosures of personal interests in matters pertaining to the agenda.

43. 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.

44. MINUTES

RESOLVED to approve as an accurate record the minutes of the meeting of the Licensing Committee held on the 21 October 2014.

REPORTS OF THE SERVICE DIRECTOR PUBLIC HEALTH AND PROTECTION

45. 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 5th October 2014 to 2nd December 2014 and following consideration of the report it was **RESOLVED** to note the content.

46. 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

47. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATIONS FOR THE GRANT AND REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER LICENSES

At this juncture in the proceedings it was announced that neither Mr MMR or Mr MMU of Cardiff were in attendance therefore with the permission of the Chair it was agreed to consider the remainder of the agenda items until such time that the applicant and licensee arrive.

48. ENFORCEMENT SUMMARY

The Service Director, Public Health & Protection presented his report outlining recent enforcement activity in respect of Taxi & Miscellaneous Licences for the period 5th October 2014 to the 21st November 2014.

Members of the Committee were updated with matters in relation to pro-active vehicle and driver checks which have taken place over the period. It was reported that a number of vehicles and drivers were checked and the outcome was reassuring with only one driver receiving a warning and several defect notices issued for minor issues.

The Service Director, Public Health & Protection also reported the outcome of several joint exercises which had taken place throughout the County Borough which had also served to demonstrate the positive results and benefits which can be brought about by partnership working.

The Service Director, Public Health & Protection informed committee that an appropriate response was being drafted to reconfirm the current position following a challenge which had come about in respect of Grandfather Rights and the imposition of 4 monthly vehicle tests for vehicles aged 7 years and over following a recent change in policy. Further to the issue being raised the Service Director, Public Health & Protection confirmed that recent proactive work such as the Licensee Roadshow and other similar initiatives have impacted positively upon the reduced number of test failures.

The Service Director, Public Health & Protection continued his report to members of the committee by highlighting a few recent enquiries concerning matters of interest and in conclusion the Service Director, Public Health & Protection reported that there was one appeal for the period the outcome of which was detailed for the benefit of committee.

49. 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 5th October 2014 to the 21st November 2014 and it was **RESOLVED** to note the report.

50. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATIONS FOR GRANT AND REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER LICENSES

1. At this juncture in the proceedings members of the Committee were notified that Mr MMR of Cardiff was not in attendance to present himself before Members so that his application for the grant of a Hackney Carriage /Private Hire Vehicle Driver Licence could be considered. The Committee **RESOLVED** to defer determination of the application of Mr MMR of Cardiff 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.
- 2) It was announced that Mr MMU of Cardiff was still not in attendance to present himself before Members of the Committee so that a review of his Joint Hackney Carriage/Private Hire Vehicle Driver Licence could be undertaken following notification received from South Wales Police.

Of concern to Committee was the fact that Mr MMU was in possession of his Hackney Carriage /Private Hire Vehicle Driver Licence despite his conviction for serious offences and as Members were satisfied that the matter required urgent attention, they concluded that the review should be determined in the absence of the Licensee. Following consideration of the report Members **RESOLVED** that the licence for a Hackney

Subject to approval as an accurate record at the next appropriate meeting of the Licensing Committee

Carriage/Private Hire Vehicle Driver Licence be revoked with immediate effect as Members were of the opinion that Mr MMU of Cardiff did not meet the fit and proper criteria required to hold a Hackney Carriage/Private Hire Vehicle Drivers Licence and in view of the nature of the offences/allegations presented before Committee with particular regard to the condition 9.2 of the Hackney Carriage (Taxi) & Private Hire Vehicle (PHV) Licensing Policy of Guidance on Relevance of Convictions.

A. S. Fox
Chairman

The meeting closed at 5.20pm