

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, 20 January 2015 at 5:00pm.

PRESENT

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

County Borough Councillors

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

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

51. APOLOGIES FOR ABSENCE

An apology for absence was received from County Borough Councillors S. A. Bradwick and R. B. McDonald

52. DECLARATIONS OF INTEREST

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

53. 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.

54. MINUTES

RESOLVED to approve as an accurate record the minutes of the meeting of the Licensing Committee held on the 2nd December 2014.

REPORTS OF THE SERVICE DIRECTOR PUBLIC HEALTH AND PROTECTION

55. 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 3rd December 2014 to the 5th January 2015 and following consideration of the report it was **RESOLVED** to note the content.

56. 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

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

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

1. In accordance with adopted procedures the Committee received Mr PB of Aberdare, who was before Members so that a review of his Joint Hackney Carriage/Private Hire Vehicle Driver Licence could be undertaken following notification from DWP Fraud and Error Service regarding the Licensee.

Mr PB of Aberdare described the circumstances surrounding his convictions and Members were given the opportunity to question the Licensee in respect of his offence with particular regard to his failure to report a change in his circumstances which had contravened Section 111A (1a) of the Social Security Administration Act 1992.

Following consideration of the report members of the Licensing Committee **RESOLVED** to revoke the licence of Mr PB of Aberdare 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 and in view of the nature of the offence/allegation presented before Committee with particular regard to the conditions set out in point 9.2 of the Hackney Carriage (Taxi) & Private Hire Vehicle (PHV) Licensing Policy of Guidance on Relevance of Convictions.

2. In accordance with adopted procedures the Committee received Mr HUR of Cardiff whose application for the grant of a Hackney Carriage/Private Hire Vehicle Driver Licence was brought before Members. The applicant introduced the people in attendance with him as his son and a friend who currently works as a Hackney Carriage/Private Hire Vehicle Driver in the County Borough. The applicant confirmed the details of the offences recorded against him were correct and he explained the circumstances surrounding his convictions. Following consideration of the oral and written evidence Members **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 HUR 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 and 17.1 and in view of the fact that insufficient time had elapsed since the date of the applicant's most recent conviction.

At this point Members requested the opportunity to undergo information/training in relation to the BTEC Level 2 Certificate, Transporting Passengers for Hire & Reward in order to gain an understanding of the qualification. It was agreed that a brief training session could be undertaken by Members prior to the commencement of the subsequent Licensing Committee.

3. In accordance with adopted procedures Committee received Mr OW of Porth whose application for the grant of a Hackney Carriage/Private Hire Vehicle Driver Licence was brought before Members for consideration. The Applicant introduced the person in attendance with him as Mr DP, owner of a local taxi company who confirmed that he would employ MR OW of Porth should his licence be granted. The applicant confirmed the details of the offences recorded against him were correct and he explained the circumstances surrounding his convictions with specific regard to his most recent.

Following consideration of the information before them Members of the Committee **RESOLVED** to refuse the application for the grant of a Hackney Carriage/Private as they were of the opinion that Mr OW of Porth 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 set out at 9.2 and that insufficient time had elapsed since his most recent conviction.

4. Pursuant to Minute No. 50 (1) (Licensing Committee 2nd December 2014) when Members were minded to defer determination of the application of Mr MMR of Cardiff as he failed to appear before

committee, 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 MMR 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 cousin. The applicant confirmed the details of the offences recorded against him were correct and he explained the circumstances surrounding his convictions.

Following consideration of the report Members **RESOLVED** to refuse the application for the grant of Hackney Carriage/Private Hire Vehicle Drivers Licence with regard to the Policy on relevance of convictions set out at paragraph 17.1 stating that insufficient time had elapsed since his most recent conviction.

58. ENFORCEMENT SUMMARY

The Service Director, Public Health & Protection presented his report outlining recent enforcement activity in respect of Taxi & Miscellaneous Licences for the period 3rd December 2014 to 5th January 2015.

Members were provided with an update in respect of Complaint led enforcement issues relating to the taxi trade and animal welfare issues. The outcome of several proactive vehicle and driver checks at the taxi ranks in Aberdare, Talbot Green and Pontypridd was reported as too was the visit to a school to check the taxis used for Home to School contracts. There followed a summary of the recent early morning/late night exercises conducted by South Wales Police and the Council's Licensing Department following a complaint from a member of the public regarding unlicensed vehicles operating as taxis and of licensed vehicles operating outside their permitted areas.

Further information was provided to Members in relation to the continuing works to Pontypridd Train Station and the impact of this upon the taxi trade and more specifically the night time taxi rank in Pontypridd. It was reported that partnership working continues in this area to ensure that the taxis are operating properly.

The Service Director, Public Health & Protection concluded his report by recounting a story which served to demonstrate the dedication and commitment of the Council's Licensing Officers. Committee applauded their efforts.

There were no prosecutions or appeals for the period and Members **RESOLVED** to note the content of the report.

59. 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 3rd December 2014 to 5th January 2015 and it was **RESOLVED** to note the report.

A. S. Fox
Chairman

The meeting closed at 6.55pm