

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 Thursday, 23 April 2015 at 5:00pm.

PRESENT

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

County Borough Councillors

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

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

69. APOLOGIES FOR ABSENCE

An apology for absence was received from County Borough Councillors J. Rosser and S. Powderhill

70. DECLARATIONS OF INTEREST

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

71. 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.

72. MINUTES

RESOLVED to approve as an accurate record the minutes of the meeting of the Licensing Committee held on the 10th March 2015.

REPORTS OF THE SERVICE DIRECTOR PUBLIC HEALTH AND PROTECTION

73. 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 2nd March to the 29th March 2015. Following consideration of the report it was **RESOLVED** to note the content.

74. 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

75. 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 three applications for the grant of Hackney Carriage/Private Hire Vehicle Licenses and one Review of 'Fit & Proper Person' criteria which were before Members for their consideration. In addition Members were asked to consider the one application for the grant of a Hackney Carriage/Private Hire Vehicle Driver Licence under the Urgency Provision set out at Agenda Item 9 which Members agreed would be considered in conjunction with all others at Agenda Item 6 – Consideration of Applications for Licensing and/or Registration.

The Chairman informed members of the Licensing Committee that Mr LDJE of Gilfach Goch was caught in traffic and would be late attending Committee. Members agreed to consider the other applications until the arrival of Mr LDJE of Gilfach Goch.

1. In accordance with adopted procedures the Committee received Mr NGOD of Mountain Ash whose application for the grant of a Hackney Carriage/Private Hire Vehicle Driver Licence was brought before Members of the Committee for consideration. The applicant confirmed that the personal details and the details of the one offence within the report were correct and he introduced the person in attendance with him as his partner Ms NM. The applicant proceeded to outline the

circumstances surrounding his offence. Mr NGOD of Mountain Ash confirmed that should he be granted a Hackney Carriage /Private Hire Vehicle Driver Licence he would take up a position with Classy Cars, a business owned by a family member.

During the proceedings the Police Officer present was called upon to corroborate the details surrounding the applicant's offence.

Following consideration of the report members of the Committee **RESOLVED** to grant the application for a Hackney Carriage /Private Hire Vehicle Driver Licence for Mr NGOD of Mountain Ash subject to the usual standard terms and conditions.

2. In accordance with adopted procedures the Committee received Mr SSB of Aberdare whose application for the grant of a Joint Hackney Carriage /Private Hire Vehicle Driver Licence and Private Hire Vehicle Operators Licence required consideration by Members of the Committee. The applicant confirmed the details within the report and the supplementary information which had previously been circulated to members of the Committee were correct and he explained the circumstances surrounding his convictions.

In order to clarify some detail relating to the applicant's most recent offence the Police Officer was called upon to provide the committee with events according to the official Police report which concurred with the series of events described by the applicant.

Following consideration of the report before them, including the supplementary information 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 SSB of Aberdare did not meet the fit and proper criteria required to hold a Hackney Carriage/Private Hire Vehicle Drivers Licence with particular regard to sections 6.6 and 9.2 of the Policy on relevance of convictions and in view of the fact that insufficient time had elapsed since the date of the applicant's most recent conviction.

3. In accordance with adopted procedures the Committee received Ms NSB of Tonypany who was present before Committee so that a review of her 'Fit & Proper Person' criteria required to hold a Joint Hackney Carriage/Private Hire Vehicle Driver Licence and Hackney Carriage Licences with this Authority could be undertaken by the Licensing Committee in addition to information received from South Wales Police.

In accordance with adopted procedures the Committee received Ms NSB of Tonypany who introduced the person in attendance with her as Mr PW her Legal Representative. Confirmation was provided by Ms NSB that all the details within the report were correct and representations were made by both the Licensee and her Legal Representative. During the proceedings the Licensee apologised for

the inappropriate language used in communication with Licensing Officers as highlighted by Committee.

Following consideration of the report together with the oral and written evidence Members expressed serious concern at the risk to public safety presented by the antecedent history and consequently **RESOLVED** to revoke the Hackney Carriage/Private Hire Vehicle Driver licence with immediate effect, consistent with the provisions of Section 61 (2B) Local Government (Miscellaneous Provisions) Act 1976.

Members considered that the Licensee did not meet the fit and proper criteria required to hold a Hackney Carriage/Private Hire Vehicle Driver Licence in view of the serious nature of the allegations presented before Committee and with particular regard to 12.1 and 1.2 of the Policy of Guidance on relevance of convictions, guidance on the criteria taken into account when considering the 'fit and proper person criteria'. Members also had concerns over the incidents involving the licensee and alcohol and considered that she had demonstrated a disregard for her actions. Whilst reaching their decision to revoke the licence Members were particularly mindful of the duty of care for public safety assigned to them as a Licensing Committee.

The Chairman of the Committee advised the Licensee of the decision, following conclusion of the deliberation as follows:-

"Joint Hackney Carriage/Private Hire Vehicle Driver Licence:

The decision of the Committee is to revoke your Joint Hackney Carriage/Private Hire Vehicle Driver Licence with immediate effect under Section 61 (2B) of the Local Government Miscellaneous Provisions Act 1976. The reason this has been applied immediately is due to the Committee concerns that you are not a fit and proper person and in particular the risk to public safety, concerns over incidents involving alcohol and lack of personal responsibility for your actions and in reflection of the duty of care this Committee has for public safety.

Hackney Carriage Licences:

In respect of your Hackney Carriage Licences, the committee has decided to revoke all current licences."

4. In accordance with adopted procedures the Committee received Mr CN of Tonypandy whose application for the grant of a Hackney Carriage/Private Hire Vehicle Driver Licence was brought before Members of the Committee for consideration. The person in attendance with the applicant was introduced as Mr SS, Transport Manager of Laser Travel and a potential employee for Mr CN of Tonypandy should his licence be granted.

The applicant confirmed that details within the report were correct and he explained the circumstances surrounding his conviction. The Service Director Public Health & Protection sought details from the applicant concerning the ancillary information within the report as supplied by South Wales Police regarding a vehicle stop check whilst the applicant was performing a Home to School Transport contract. The South Wales Police Officer was also called upon to corroborate details of the incident to Committee.

Following consideration of the report members of the Committee **RESOLVED** to unanimously refuse the application to grant the licence of Mr CN of Tonypany as members of the Committee were of the view that he did not meet the fit and proper criteria required to hold a Hackney carriage/Private Hire Vehicle Drivers Licence with particular regard to Paragraph 12.1 within the Policy of Guidance on relevance of convictions. Whilst reaching their decision to refuse the application Members were mindful of the applicant's previous Licensing history with the Local Authority and the serious nature of the ancillary information brought to Committee's attention by South Wales Police.

At this juncture in the proceedings the Chair informed Committee that Mr LDJE of Gilfach Goch was in attendance and it was agreed to consider his application.

5. In accordance with adopted procedures Committee received Mr LDJE of Gilfach Goch whose application for the grant of a Hackney Carriage/Private Hire Vehicle Driver Licence was before Members for their consideration. The applicant confirmed that both the personal details and those of the offences were correct within the report and he outlined the circumstances surrounding his convictions.

The South Wales Police Officer was asked whether the account of the applicant regarding his most recent offence was consistent with official Police records.

Following consideration of the report it was **RESOLVED** to grant the application of Mr LDJE of Gilfach Goch subject to the usual standard terms and conditions with a warning letter attached.

(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)

(Note: Two issues of concern to Committee which had come to their attention during consideration of the applications for licensing was the location of the Police Custody Suite in Merthyr Tydfil and the legal limits of the road side breathe tests by which arrests are made. Members requested that these issues should be brought to the

attention of the Police Commissioner by means of a formal letter sent on behalf of the Licensing Committee).

76. ENFORCEMENT SUMMARY

The Service Director, Public Health & Protection presented his report outlining recent enforcement activity in respect of Taxi & Miscellaneous Licences for the period 28th February 2015 to the 29th March 2015.

Members of the committee were provided with information in respect of complaint led enforcement issues for the period which related to the taxi trade, in particular information relating to unlicensed drivers and vehicles, dangerous manner of driving and inconsiderate parking of licensed drivers as well as other matters. An update was provided following checks at both Pontypridd and Aberdare Taxi Ranks

The Service Director, Public Health & Protection referred to the meeting which was held on the 25th February 2015 between Licensing Officers and several licensed drivers and operators in respect of taxi related matters of concern to the group and Members were reminded that a further report would be provided at this Committee. Members were referred to the response circulated to the trade representatives, which was attached to the report. It was confirmed that a further meeting between the parties had yet to be established.

A copy of an information sheet published for the benefit of the trade in respect of vehicle specifications required by current policy was attached to the report for information.

Details concerning Taxi Legislation Deregulation was provided for Members informing them that the provisions set out in the report will be implemented from the 1st October 2015.

In conclusion the Service Director, Public Health & Protection outlined the miscellaneous licensing enforcement issues and confirmed that there were no prosecutions or appeals for the period.

It was **RESOLVED** to note the content of the report.

77. 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 2nd March 2015 to the 29th March 2015 and it was **RESOLVED** to note the report.

A. S. Fox

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

Chairman

The meeting closed at 8.15pm