

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, 28th July 2015 at 5:00pm.

PRESENT

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

County Borough Councillors

S. A. Bradwick	S. Powderhill
(Mrs) S. J. Jones	G. Smith
(Mrs) C. Leyshon	(Mrs) M. Tegg
C. Middle	T. Williams
B. Morgan	E. Webster
I. Pearce	

Officers in Attendance:

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

12. APOLOGIES FOR ABSENCE

An apology for absence was received from County Borough Councillors (Mrs) T. A. Bates J. Cass and L. Walker

13. DECLARATIONS OF INTEREST

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

14. 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.

15. MINUTES

RESOLVED to approve as an accurate record the minutes of the meeting of the Licensing Committee held on the 9th June 2015.

16. WELCOME

The Chair welcomed County Borough Councillor (Mrs) M. Tegg as newly appointed member of the Licensing Committee.

REPORTS OF THE SERVICE DIRECTOR PUBLIC HEALTH AND PROTECTION

17. 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 July to the 17th July 2015. Following consideration of the report it was **RESOLVED** to note the content.

18. DEREGULATION ACT 2015; IMPLICATIONS FOR LICENSING OF JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCES & PRIVATE HIRE OPERATORS

The Service Director, Public Health & Protection presented his report in respect of the Deregulation Act 2015 (Sections 10 & 11) and outlined the implications of the new Act which will take effect from the 1st October 2015. The Service Director explained that Section 10 of the Deregulation Act will make provision for:

- Hackney Carriage/Private Hire Vehicle Driver Licences to have a duration of 3 years;
- Private Hire Operator Licences to have a duration of 5 years

Currently the policy within Rhondda Cynon Taf is for the licences of both Driver and Operator licences to be granted for a period of 2 years. The Service Director Public Health & Protection assured Committee that the introduction of the Deregulation Act 2015 will not impact upon the current working practices within Rhondda Cynon Taf nor public safety and clarified that the DBS & DVLA checks will be extended to 3 years which will coincide with the expiry of the Joint Hackney Carriage/Private Hire Vehicle Driver Licences. With regard to Section 11 of the Deregulation Act 2015 which permits cross border trading for Private Hire Operators and complimentary Private Hire Vehicles, it was considered that this would be managed routinely.

It was confirmed that all the necessary steps will be taken to prepare for the changes and internal processes reviewed accordingly. In addition, these changes to policy will be included in a report to the Executive in advance of the implementation of the introduction of the Deregulation Act 2015 which will take place on the 1st October 2015 (details have also been published in the July edition of the Taxi Newsletter for the benefit of the trade which was circulated at Committee).

Following presentation of the report Committee posed questions to the Service Director, Public Health & Protection in respect of the new legislation and clarification was provided with regard to the abbreviations within the report.

A member of the public who was in attendance to speak on the issue was given the opportunity to address Committee in respect of several matters associated with the Deregulation Act 2015.

In conclusion Committee **RESOLVED** to:-

- I. Note the content of the report in respect of the implications for the introduction of the Deregulation Act 2015 (Sections 10 & 11)
- II. Commend to the Executive the proposals of the Service Director Public Health & Protection for amendments to policy in respect of Joint Hackney Carriage/Private Hire Vehicle Drivers and Private Hire Operators to accommodate the implementation of the legislation as follows:-
 - a) Permit a Disclosure & Barring Service (DBS) check to be valid for a maximum period of 3 years for the purpose of determining applications for Joint Hackney Carriage/Private Hire Vehicle Driver Licence and Private Hire Operator Licences;
 - b) Permit a Driver Vehicle Licensing Agency (DVLA) check to be valid for a maximum period of 3 years for purpose of determining applications for Joint Hackney Carriage/Private Hire Vehicle Driver Licences;
 - c) Amendments to be effective from 1st October 2015

19. 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

20. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – REVIEW OF FIT & PROPER PERSON CRITERIA (HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER LICENCE)

- 1) In his report, the Service Director, Public Health and Protection set out details of one review of 'Fit & Proper Person' criteria which was before Members for their consideration.

The Chairman advised that Mr JP of Gilfach Goch was not present for the second opportunity to address Committee in support of his review. As such, Members **RESOLVED** to revoke the licence of Mr JP of Gilfach Goch, as they were of the opinion that he was not a fit and proper person to hold such a Licence and in view of the fact that the Licensee 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. Members specifically took into consideration the antecedent history associated with the Licensee when reaching their decision to revoke.

21. **ENFORCEMENT SUMMARY**

The Service Director, Public Health & Protection presented his report to Committee and updated Committee with the most recent activity relating to the taxi trade, enforcement activity and school transport checks for the period 25th May 2015 to 17th July 2015.

The Service Director Public Health & Protection concluded his report and confirmed that there is one prosecution for the period and it was **RESOLVED** to note the content which had been provided for information only.

22. **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 25th May 2015 to the 12th July 2015 and it was **RESOLVED** to note the report.

A. S. Fox
Chairman

The meeting closed at 5.30pm