

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, 8th September 2015 at 5:00pm.

PRESENT

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

County Borough Councillors

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

Officers in Attendance:

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

23 APOLOGIES FOR ABSENCE

Apologies for absence were received from County Borough Councillors (Mrs) C.Leyshon, S.Powderhill, (Mrs) M.Tegg and L.Walker.

24 DECLARATION OF INTEREST

County Borough Councillor C.M.Williams declared a personal interest in Agenda Item No.6(4) – Review of Hackney Carriage/Private Hire Vehicle Driver Licence – Mr.I.M. of Pontypridd – stating “I know the applicant, it is also a prejudicial interest and I will leave the meeting for this item.”

25 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.

26 MINUTES

RESOLVED to approve as an accurate record the minutes of the meeting of the Licensing Committee held on 28 July 2015.

REPORT OF THE SERVICE DIRECTOR PUBLIC HEALTH AND PROTECTION

27 LICENCES AND REGISTRATIONS ISSUED UNDER THE PROVISION OF DELEGATED POWERS

In his report, the Service Director, Public Health and Protection provided Committee Members with details of licences and registrations issued during the period 17 July – 23 August 2015 and following consideration thereof, it was **RESOLVED** to note the report.

28 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 the information.

REPORTS OF THE SERVICE DIRECTOR, PUBLIC HEALTH AND PROTECTION CONTAINING EXEMPT INFORMATION

29 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS ACT 1976 REVIEW OF HACKNEY CARRIAGE/PRIVATE VEHICLE LICENCES

In his report, the Service Director, Public Health & Protection provided Members with information on the need to review the licences of four licensees initiated by the disclosure of convictions/complaints.

Also, in view of the urgency of the matter and with the permission of the Chairman, the Service Director, Public Health & Protection presented his supplementary report outlining the need to review a further Hackney Carriage/Private Hire Vehicle Licence initiated by the disclosure of a complaint.

The Committee proceeded to deal with each individual case as follows:

- (1) The Service Director, Public Health & Protection advised that Mr.AaM of Cardiff was not in attendance to address Members as he was currently out of the Country. It was, therefore, **RESOLVED** to defer determination of the matter to the next appropriate meeting of the Licensing Committee, to afford the applicant the opportunity to

present himself to Members, in order to consider the circumstances surrounding the offences recorded against him. However, failure to attend on the second occasion will result in the application being determined in his absence.

- (2) The Service Director, Public Health & Protection advised that Mr.R.J.T. of Aberdare was not in attendance to address Members as he was unable to secure transport to the meeting. It was, therefore, **RESOLVED** to defer determination of the matter to the next appropriate meeting of the Licensing Committee, to afford the applicant the opportunity to present himself to Members, in order to consider the circumstances surrounding the complaint recorded against him. However, failure to attend on the second occasion will result in the application being determined in his absence.
- (3) In accordance with adopted procedures, the Committee received Mr M.R.A. of Cardiff, who confirmed the offences recorded against him were correct and he outlined the circumstances surrounding his conviction.

Mr.A. responded to questions raised by the Service Director, Public Health & Protection and Committee Members in respect of the review of his licence following his conviction and also, his failure to disclose the conviction to the Licensing Authority.

At the request of the Chairman, Members also received the views of the South Wales Police on the case before them.

Following their deliberations as to whether Mr.A. was considered to be a 'fit and proper' person to hold a Hackney Carriage/Vehicle Driver Licence, Members **RESOLVED** to terminate the Licence with immediate effect and refuse the application.

(Note: Having previously declared a personal and prejudicial interest in the next item (Minute No.24 above refers), County Borough Councillor C.M.Williams left the meeting at this point in the proceedings)

- (4) In accordance with adopted procedures, the Committee received Mr.I.M. of Church Village and his two friends who were in attendance to support him.

Note: On receiving Mr.I.M., the Chairman informed the Committee that he had to declare a personal and prejudicial interest in this particular case as he knew Mr.I.M. as he operated a business in his community. Accordingly, the Chairman vacated the Chair in favour of the Vice-Chairman (County Borough Councillor B.Morgan) for this item and left the meeting.

The Committee proceeded to deal with the case and Mr.M. presented his views on the disclosure from South Wales Police of a

complaint received against him from a passenger in respect of a journey undertaken in August 2015.

Mr.M. also responded to questions raised by the Service Director, Public Health & Protection and Committee Members

With the permission of the Committee, the Service Director, Public Health & Protection read out the contents of a letter, addressed to the Chairman, from a Mr.N.A. in support of Mr.M.

The Committee Members also received the views of the representative of South Wales Police on the case before them.

Following lengthy deliberation as to whether Mr.I.M. was considered to be a 'fit and proper' person to hold a Hackney Carriage/Private Hire Vehicle Licence, it was **RESOLVED** to revoke the licence with immediate effect.

(**Note:** At this point in the proceedings, the Chairman and County Borough Councillor C.M.Williams returned to the meeting. The Vice-Chairman vacated the Chair in favour of the Chairman for the remainder of the meeting)

- (5) In accordance with adopted procedures, the Committee received Mr.A.G. of Bristol and his Uncle, who was in attendance to support his nephew.

With the aid of his Uncle, Mr.G. gave his views on the disclosure from South Wales Police in respect of a complaint received from a passenger regarding a journey undertaken in July 2015 and his suitability to continue in the role of a licensee with Rhondda Cynon Taf.

Mr.G., again with the aid of his Uncle, responded to questions raised by the Service Director, Public Health & Protection and Committee Members.

Following consideration of the case, the Committee **RESOLVED** to revoke the Driving Licence and the Vehicle Licence, with immediate effect.

30 **ENFORCEMENT SUMMARY**

In his report, the Service Director, Public Health & Protection provided a brief overview of the enforcement activity in respect of Taxi & Miscellaneous Licences for the period 17 July – 23 August 2015.

Following consideration of the matter, it was **RESOLVED** to note the information.

31 **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 13 July – 23 August 2015 and it was **RESOLVED** to note the report.

**A. S. Fox
B. Morgan
Chairmen**

The meeting terminated at 8.00 p.m.