

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, 1st December 2015 at 5:00pm.

PRESENT

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

County Borough Councillors

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

Officers in Attendance:

Mr P J Mee - Service Director, Public Health & Protection
Mrs R. Smith – Solicitor
Mr A. Mallin – Community Safety & Licensing Manager
Mr L. Morgan – Assistant Licensing Manager

33. APOLOGIES FOR ABSENCE

An apology for absence was received from County Borough Councillor (Mrs) J. Cass, (Mrs) C. Leyshon, (Mrs) M. Tegg, C. Middle and S. Powderhill

34. DECLARATIONS OF INTEREST

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

35. 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.

36. MINUTES

RESOLVED to approve as an accurate record the minutes of the meeting of the Licensing Committee held on the 20th October 2015.

37. ANNOUNCEMENT

The Chairman announced that since the last Committee Mrs Meryl Williams, Licensing Manager, had retired from her post and that PC Andrew Taylor and PC Kevin Jones (Police Licensing Officers) had moved to different roles within South Wales Police. Members of the Licensing Committee **RESOLVED** that letters be sent to Mrs Williams in appreciation of her dedication and commitment as Licensing Manager for the Local Authority and to PC Andrew Taylor and PC Kelvin Jones for their valued contributions.

Members of the Committee were also informed that Mrs Williams had been nominated by the Local Authority's Licensing Division for a Jeremy Allen award for services to Licensing and had been short listed to the final three nominations. In addition and in recognition of her longstanding services to Licensing she was presented with a special plaque before many of her Licensing colleagues and peers. The Chairman thanked the Licensing Division for nominating Mrs Williams.

The Chairman introduced Mr Andrew Mallin to Members of the Licensing Committee as the Community Safety and Licensing Manager who would be taking up his new role.

38. 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 to the 8th November 2015. Following consideration of the report it was **RESOLVED** to note the content.

39. 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

40. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – REVIEW OF FIT & PROPER PERSON CRITERIA (JOINT HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER LICENCE AND/OR HACKNEY CARRIAGE LICENCES) AND APPLICATION FOR RENEWAL OF A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER LICENCE

In his report, the Service Director, Public Health and Protection set out details of two reviews of 'Fit & Proper Person' criteria which were before Members for their consideration and one application for the renewal of a Hackney Carriage/Private Hire Vehicle Driver Licence which required Members' determination.

- 1) In accordance with adopted procedures Committee received Mr MJSR of Porth who was before Members of the Committee so that his application for the renewal of a Hackney Carriage/Private Hire Vehicle Driver Licence could be considered. Mr MJSR of Porth confirmed the offences and details within the report were correct and introduced the person with him as his current employer. The Licensee continued to outline the circumstances surrounding his offences and explained why he had failed to disclose the offences detailed within the report to the Licensing Authority. During the proceedings South Wales Police were asked to corroborate the details of the offences.

Following consideration of the evidence before them Committee **RESOLVED** to grant the application subject to the usual standard terms and conditions with a warning and a requirement to obtain the BTEC Level 2 Certificate Transporting Passengers for Hire & Reward within a period of 2 months

(**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)

- 2) The Service Director, Public Health & Protection advised that Mr FH of London was not in attendance to address Members for the review of his Hackney Carriage/Private Hire Vehicle Driver Licence.

Committee was provided with the background to the review which had been initiated as a result of concerns in respect of remote trading of Hackney Carriages and Committee was reminded of the difficulties and potential risks which may arise from the operation of remote Hackney Carriages.

It was confirmed that as Mr FH, now a resident of London and not of Bristol where the original application was made, Members were asked to consider the review and particularly whether it is appropriate to allow the licence to continue in view of the potential risk to public safety arising from remote trading.

Following consideration as to whether Mr FH of London was a fit and proper person to hold a licence with Rhondda Cynon Taf it was **RESOLVED** to determine the review in his absence and to revoke the licence as Members expressed concern at the potential compromise to public safety and the implications of enforcing conditions of licence such a distance from the 'Home Authority', as highlighted in detail in the report.

- 3) Pursuant to the meeting held on the 20th October 2015 (Minute No. 30 (1) refers) when Ms NSB of Tonypandy failed to present herself to Committee due to illness, the Service Director Public Health & Protection presented his report for a review of the Hackney Carriage Vehicle Licence of Ms NSB to be undertaken and updated Members with progress since the revocation of both the Joint Hackney carriage/Private Hire Vehicle Driver and Hackney Carriage Vehicle Licences on the 23rd April 2015; and of the appeal that had been lodged and subsequently dismissed by the Magistrate's Court.

The Service Director, Public Health & Protection informed Members that Ms NSB of Tonypandy was not present on this, the second occasion to present herself before Committee, who were reminded that failure to attend for the second occasion would result in the matter being determined in her absence.

Committee considered the report before them which provided detailed antecedent history particularly relating to Ms NSB's previous conduct and took into account the view of the Magistrates Court to uphold the decision of the Licensing Committee finding that Ms NSB was 'not a fit and proper' person in respect of her Joint Hackney Carriage/Private Hire Vehicle Driver Licence together with the two Hackney Carriage Vehicle Licences before reaching their decision. In view of this, Committee **RESOLVED** to revoke the licence of Ms NSB of Tonypandy as they were of the opinion that she did not meet the fit and proper person criteria required to hold her Hackney Carriage Vehicle Licence and taking into account her failure to give the required notice in writing to inform the Licensing Authority of the transfer of Hackney Carriage Vehicle Licence.

- 4) The Service Director, Public Health & Protection presented his report which related to Mr M-HM of Bristol and referred to issues of remote trading which was for information only.

Following presentation of the information the Service Director, Public Health & Protection confirmed that Mr M-HM had surrendered his Hackney Carriage Licence on the 16th November 2015 and Committee **RESOLVED** to note the current position.

41. ENFORCEMENT SUMMARY

The Service Director, Public Health & Protection presented his report outlined the most recent activity relating to the taxi trade, enforcement activity and appeal updates together with a copy of the most up to date taxi newsletter for the period 5th October 2015 to the 13th November 2015.

Following presentation of his report the Service Director Public Health & Protection confirmed that there are two prosecutions for the period and it was **RESOLVED** to note the content which had been provided for information only.

42. **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 2015 to the 8th November 2015 and it was **RESOLVED** to note the report.

A. S. Fox
Chairman

The meeting closed at 5.45pm