

**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, 19th January 2016 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	S. Powderhill
(Mrs) J. Cass	G. Smith
(Mrs) S. J. Jones	L. Walker
(Mrs) C. Leyshon	E. Webster
C. J. Middle	T. Williams
I. Pearce	

**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

**43. APOLOGIES FOR ABSENCE**

An apology for absence was received from County Borough Councillor (Mrs) M. Tegg.

**44. DECLARATIONS OF INTEREST**

County Borough Councillor L. Walker declared a personal interest in respect of Agenda Item 6 (2) – Application for the grant of a Hackney Carriage/Private Hire Vehicle Driver Licence – Mr SAT of Porth – “I have known the applicant in a professional capacity in the past, as this is also a prejudicial interest I will leave the meeting for this item”.

**45. 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.

#### **46. MINUTES**

**RESOLVED** to approve as an accurate record the minutes of the meeting of the Licensing Committee held on the 1<sup>st</sup> December 2015.

Matters Arising – Minute No.37 – The Chairman advised Committee that PC Kelvin Jones had relayed his gratitude for the letter he had received on behalf of the Licensing Committee acknowledging his valued contributions to the service.

The Chair welcomed PC Darren Lloyd to Committee in his role as Police Licensing Officer.

#### **47. 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 9<sup>th</sup> November 2015 to 20<sup>th</sup> December 2015. Following consideration of the report it was **RESOLVED** to note the content.

#### **48. 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

#### **49. 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 a Hackney Carriage/Private Hire Vehicle Driver Licence which required Members' determination.

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 Driver and Vehicle Licence initiated by the disclosure of a frequent number of complaints to the Licensing Authority.

1. In accordance with adopted procedures Committee received Mr BJD of Treorchy who was before Members of the Committee so that his

application for the grant of a Hackney Carriage/Private Hire Vehicle Driver Licence could be considered. The applicant confirmed the details and convictions set out in the report were correct and continued to explain the circumstances surrounding his offences. South Wales Police were unable to corroborate the details provided by the applicant in respect of his latest offence due to the length of time which had elapsed. Members of the Committee were informed that should the Hackney Carriage/Private Hire Vehicle Driver Licence be granted Mr BJD of Treorchy would take up employment with Laser Travel.

Following consideration of the report it was **RESOLVED** to grant the application subject to the usual standard terms and conditions and subject to a satisfactory medical examination.

(**Note:** Having previously declared a personal and prejudicial interest in the next item (Minute No.44 refers), County Borough Councillor L. Walker left the meeting at this point in the proceedings)

2. In accordance with adopted procedures Committee received Mr SAT of Porth whose application for the grant of Hackney Carriage /Private Hire Vehicle Driver Licence was before Committee for its consideration. The applicant confirmed that the details surrounding his convictions were correct and he outlined the details for the benefit of Committee.

Mr SAT advised Committee that should his application be granted he would be leaving his current employment to set up his own taxi business.

With the permission of the Chairman the Service Director, Public Health & Protection read aloud four letters, (one from his current employer), submitted by the applicant in support of his application.

South Wales Police provided further details in respect of one particular matter within the report and following consideration of all the evidence before them Committee **RESOLVED** to grant the application subject to the usual standard terms and conditions with a warning.

(**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:** On listening to the evidence before them County Borough Councillor (Mrs) S. J. Jones informed the Chairman that she would declare a personal interest in this matter as she believed she may have encountered the applicant during her time as a Magistrate).

3. In accordance with adopted procedures Committee received Mr AL of Aberdare who was before Committee so that his application for the grant of a Hackney Carriage/Private Hire Vehicle Driver Licence could be given

due consideration. The applicant provided Committee with details of his recent medical history.

Following consideration of the information provided by the applicant Committee **RESOLVED** to grant the Hackney Carriage/Private Hire Vehicle Driver Licence subject to a further appropriate and satisfactory medical.

4. In accordance with adopted procedures the Committee received Mr MA of Tonypany who was present before Committee so that a review of his 'Fit & Proper Person' criteria could be undertaken by the Licensing Committee. The Service Director Public Health & Protection presented his report to Committee which had been initiated as a result of a large number of frequent complaints made to the Licensing Authority.

In accordance with adopted procedures, the Committee received Mr MA of Tonypany who confirmed the details within the report were correct. The licensee proceeded to outline the circumstances surrounding some of the 15 separate complaints made against him and members of the Committee were given the opportunity to observe CCTV footage which highlighted the impact of the licensee's conduct upon the safety of members of the public and upon the surrounding area.

South Wales Police expressed concern at the additional number of separate incidents (14 in total) involving Mr MA of Tonypany which had been reported to them by the Licensee himself. Committee noted that these additional incidents had given South Wales Police cause for concern regarding the Licensee's approach to his role as a taxi driver, towards his customers and to his continued suitability and fitness as a licensed Joint Hackney Carriage/Private Hire Vehicle Driver.

Following consideration of the evidence before them in respect of the 15 separate complaints made to the Licensing Department against Mr MA of Tonypany as well as 14 made by the Licensee himself to the Police, the CCTV footage and oral representations from the Licensee and South Wales Police, Committee **RESOLVED** to;

- I. Revoke the Joint Hackney Carriage/Private Hire Vehicle Driver licence with immediate effect;
- II. Revoke the current vehicle licence,

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 volume of complaints received by the both the Licensing Authority and South Wales Police and with particular regard to 1.1 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'. 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.

**50. ENFORCEMENT SUMMARY**

The Service Director, Public Health & Protection presented his report which outlined the most recent activity relating to the taxi trade, enforcement activity and appeal updates together for the period 14<sup>th</sup> November 2015 to the 12<sup>th</sup> January 2016.

Following presentation of his report the Service Director Public Health & Protection confirmed that there are no prosecutions or appeals for the period and it was **RESOLVED** to note the content of the report.

**51. 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 9<sup>th</sup> November 2015 to the 20<sup>th</sup> December 2015 and it was **RESOLVED** to note the report.

A. S. Fox  
Chairman

The meeting closed at 6.45pm

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