

# **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, 6<sup>th</sup> December 2016 at 5:00pm.

### **PRESENT**

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

### **County Borough Councillors**

J. Bunnage	L. G. Walker
(Mrs) S. J. Jones	E. Webster
I. Pearce	C. J. Williams
S. Powderhill	D. W. Weeks
G. Smith	

### **Officers in Attendance:**

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

#### **43. APOLOGIES FOR ABSENCE**

An apology for absence was received from County Borough Councillors S. A. Bradwick (Mrs) J. Cass, K. Montague, B. Morgan and T. Williams.

#### **44. DECLARATIONS OF INTEREST**

**RESOLVED** - In accordance with the Code of Conduct, there were no personal declarations of interests made, pertaining to the agenda.

#### **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 18<sup>th</sup> October 2016.

#### **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 30<sup>th</sup> October to the 20<sup>th</sup> November 2016. In response to a concern raised in respect of the use of fireworks, the Service Director Public Health & Protection assured Committee that the trade in RCT is properly regulated and added that any complaints in respect of the use of fireworks following their sale would fall outside the Licensing regime.

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 - APPLICATION AND RENEWAL OF HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER LICENCES**

In his report the Service Director, Public Health & Protection set out the details of five applications, two for the Grant of a Hackney Carriage/Private Hire Vehicle Driver Licence and three applications for the renewal of Hackney Carriage/Private Hire Vehicle Driver Licence.

Committee agreed to consider the agenda out of sequence so as to afford the first two applicants the opportunity to arrive.

1. In accordance with adopted procedures Committee received Mr SBL of Aberdare, who was before Members of the Committee so that his application for the renewal of Hackney Carriage /Private Hire Vehicle Driver Licence could be determined by the Licensing Committee.

Mr SBL of Aberdare agreed that the personal details set out in the report were correct and proceeded to outline the circumstances surrounding the offences highlighted.

In conclusion it was **RESOLVED** to allow the licence of Mr SBL of Aberdare to continue subject to the usual standard terms and conditions and with a warning regarding future activity.

(**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. Pursuant to the meeting held on the 18<sup>th</sup> October 2016 (Minute No.40 (2) refers), when Committee resolved to defer determination of the application of Mr MWD of Treharris as he failed to present himself before Committee, the matter was deferred to the next appropriate Licensing Committee for determination. The Service Director Public Health & Protection presented his report and pointed out that this application was for the renewal and not the Grant of Hackney Carriage Vehicle Licence as stated in the report. He further advised Committee that for the purpose of accuracy he would be referring to the report set out at Appendix D (i) for the remainder of the proceedings.

In accordance with adopted procedures, Committee received Mr MWD of Treharris who proceeded to outline the circumstances surrounding the offences as set out in the report, specifically the more recent offences.

Following consideration of the oral and written evidence it was **RESOLVED** to allow the licence of Mr MWD of Treharris to continue subject to the usual standard terms and conditions and with a warning regarding future activity.

(**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).

3. In accordance with adopted procedures Committee received Mr AA of Cardiff 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 within the report were correct and he introduced the person in attendance with him as a family friend.

Mr AA of Cardiff was asked specifically about his undisclosed conviction.

Following consideration of the oral and written evidence it was **RESOLVED** to grant the Hackney Carriage/Private Hire Vehicle Driver Licence of Mr AA of Cardiff subject to the usual standard terms and conditions and with a warning regarding future activity.

(**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).

4. In accordance with adopted procedures Committee received Mr MAAA of Cardiff whose application for the grant of Hackney Carriage /Private Hire Vehicle Driver Licence was before them for consideration. Mr MAAA introduced the person in attendance with him as his brother.

In the absence of previous motoring or criminal convictions Members of the Committee considered the ancillary information within the report as well as the Applicant's medical certificate and associated letter, which confirmed that Mr MAAA has been diagnosed with Asperger's Syndrome.

Following consideration of the written and oral evidence before them it was **RESOLVED** to defer determination of the application to allow Mr MAAA to have opportunity to:-

- 1) Seek a Medical Consultant's opinion on his suitability to hold a Taxi Driver's Licence given the Applicant's Asperger's Syndrome, and to;
  - 2) Seek a reference from a recent employer in relation to his role as a security guard.
5. The Service Director Public Health & Protection advised Members of the Committee that Mr MA of Cardiff was not in attendance so that his application for the renewal of the Hackney Carriage Licence could be considered. Committee **RESOLVED** to defer determination of the application to the next appropriate meeting of the Licensing Committee, to afford him the opportunity to present himself to Members for consideration of his application. Committee was reminded that failure to attend on a second occasion would result in the matter being determined in his absence.

#### 50. **ENFORCEMENT SUMMARY**

The Service Director, Public Health & Protection presented his report outlining the most recent activity relating to enforcement activity, including any prosecution and appeals updates for the period 3<sup>rd</sup> October to the 20<sup>th</sup> November 2016. Following consideration of the report it was **RESOLVED** to note the content which had been provided for information only.

#### 51. **SUMMARY OF LICENCES ISSUED UNDER PROVISION OF DELEGATED AUTHORITY**

In his report the Service Director, Public Health & Protection provided a summary of Licences and/or Registrations issued under provisions of Delegated Authority for the period 3<sup>rd</sup> October to the 20<sup>th</sup> November 2016 and it was **RESOLVED** to note the report.

A. S. Fox  
Chairman

The meeting closed at 7.10pm