

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, 17th January 2017 at 5:00pm.

PRESENT

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

County Borough Councillors

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| J. Bunnage | S. Powderhill |
| S. A. Bradwick | G. Smith |
| (Mrs) S. J. Jones | L. G. Walker |
| B. Morgan | E. Webster |
| I. Pearce | W. D. Weeks |

Officers in Attendance:

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

52. APOLOGIES FOR ABSENCE

An apology for absence was received from County Borough Councillors (Mrs) J. Cass, K. Montague, C. J. Williams and C. J. Williams.

53. DECLARATIONS OF INTEREST

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

(Two declarations of personal interests were made later in the meeting to which Minute No's 59 (1) and (6) refer).

54. 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.

55. MINUTES

RESOLVED to approve as an accurate record the minutes of the meeting of the Licensing Committee held on the 6th December 2016.

56. ANNOUNCEMENT

The Chairman informed Members that this would be the last meeting of the Licensing Committee that Mrs Rachel Smith, Solicitor, would be attending owing to her leaving the Authority at the end of the month to take up her new post. The Chairman, on behalf of the Committee, thanked Rachel for all the support and assistance she has provided to both Members and Officers over many years and wished her all the very best in her new post.

The Chairman also announced that Mr Tony Shephard would be retiring after many years service in the Local Authority as Licensing Enforcement Officer. Members of the Committee acknowledged his commitment to his role and the support he has demonstrated towards his colleagues and to Members of the Licensing Committee. Members and Officers were united in wishing Tony a very happy retirement.

57. VERBAL UPDATE – KNOWLEDGE TEST

The Head of Environmental Health, Trading Standards & Community Safety provided a verbal update in respect of Rhondda Cynon Taf County Borough Council implementing a knowledge test for all future Licensing applications. Members were reminded that in February 2013, when the BTEC qualification was formally introduced, there was no evidence at that time to support the introduction of the knowledge test.

Subsequently the impact of the BTEC qualification has been evaluated with positive outcomes and it was reported that 50% of drivers feel that the knowledge test should be introduced. Having consulted with the wider taxi trade it was reported that 100% of the public would welcome the introduction of a knowledge test as 28% of the travelling public had experienced poor drivers.

It was confirmed that a report in respect of the policy change would be presented to Cabinet on the 16th February 2017 followed by a consultation exercise to be undertaken with the taxi trade in relation to the guidance.

The Head of Environmental Health, Trading Standards & Community Safety reported that there would be an additional cost to the applicants of £30 to undertake the knowledge test which it was proposed would be operated in house.

Committee was assured that further updates would be provided in due course. Following consideration it was **RESOLVED:-**

1. To note the verbal update; and
2. That members of the Licensing Committee are provided with the opportunity to undertake the knowledge test.

58. 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 22nd August to the 2nd October 2016. Following consideration of the report it was **RESOLVED** to note the content.

59. 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

60. 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 four applications for the Grant of a Hackney Carriage/Private Hire Vehicle Driver Licence, two applications for the review of Hackney Carriage/Private Hire Vehicle Driver Licence, and two deferred applications which required Members' determination.

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

1. In accordance with adopted procedures Committee received Mr KLG of Pentre, who was before Members of the Committee so that his application for the Grant of Hackney Carriage /Private Hire Vehicle Driver Licence could be considered by the Licensing Committee. He introduced the person in attendance with him as his friend and potential employer.

(Note: On receiving Mr KLG of Pentre County Borough Councillor E. Webster informed Committee that he wished to declare a personal and prejudicial interest as he knew the person in attendance with the applicant. Accordingly County Borough Councillor left the meeting for the duration of the item).

Mr KLG of Pentre responded to a number of questions raised by the Service Director, Public Health & Protection in respect of his application and his failure to disclose the offences within his application.

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

Following deliberation of the application before them it was **RESOLVED** to refuse the application for the grant of a Hackney Carriage/Private Hire Vehicle Driver Licence as they were of the opinion that Mr KLG of Pentre did not meet the fit and proper criteria required to hold a Hackney Carriage/Private Hire Vehicle Drivers Licence with particular regard to sections 20.3, 12.1, 6.4 and 5.8 of the Guidance of the Policy on relevance of convictions.

2. In accordance with adopted procedures Committee received Mr AA of Cardiff, who was before Members of the Committee so that his application for the Grant of Hackney Carriage /Private Hire Vehicle Driver Licence could be considered. Mr AA of Cardiff confirmed the details within the report were correct and he outlined the circumstances surrounding his conviction. The person in attendance with the applicant was introduced as his brother.

Mr AA of Cardiff responded to the questions raised by the Service Director Public Health & Protection in relation to his conviction and his failure to disclose the one conviction to the Licensing Authority. Mr AA of Cardiff presented his views on the disclosure from South Wales Police relating to a further three convictions.

Following their deliberations in respect of the information before them Committee **RESOLVED** to refuse the application of Mr AA of Cardiff as they were of the opinion that he did not meet the fit and proper criteria required to hold a Hackney Carriage/Private Hire Vehicle Drivers Licence with particular regard to sections 1.2 and 5.8 (in respect of the Applicant's failure to disclose his convictions) of the Guidance of the Policy on relevance of convictions.

3. In accordance with adopted procedures Committee received Mr MRBN of Tonyrefail, who was in attendance with his father. The Applicant confirmed that the details within the report were correct and he outlined the circumstances surrounding his convictions.

South Wales Police provided their views on the convictions which had previously been considered by Committee on the 8th March 2016.

Following consideration of the report it was **RESOLVED** to refuse the application of Mr MRBN of Tonyrefail as Committee was of the opinion that he did not meet the fit and proper person criteria required to hold a Hackney Carriage/Private Hire Vehicle Drivers Licence with regard to section 12.1 of the Guidance of the Policy on relevance of convictions and

in view of the fact that insufficient time had elapsed since the date of the applicant's most recent conviction.

4. In accordance with adopted procedures Committee received Mr ARNDC of Cardiff who confirmed the offences recorded against him were correct and he outlined the circumstances surrounding his convictions and his failure to disclose his convictions within his application.

Committee Members also received the views of the representative from South Wales Police in respect of the application before them who was able to corroborate the details of the convictions set out in the report.

Following consideration of the report the Committee **RESOLVED** to refuse the application of Mr ARNDC of Cardiff as Members were of the opinion that that he did not meet the fit and proper person criteria required to hold a Hackney carriage/Private Hire Vehicle Drivers Licence with particular regard to section 5.8 and 12.1 of the Guidance of the Policy on relevance of convictions

5. The Service Director, Public Health & Protection advised that since the publication of the report Mr AJ of Aberdare has found employment elsewhere and therefore he no longer requires a Hackney Carriage/Private Hire Vehicle Driver Licence.

In view of this information Committee proceeded to deal with the case before them in the absence of Mr AJ of Aberdare and **RESOLVED** to revoke the licence with immediate effect with particular regard to section 8.3 of the Guidance of Policy on relevance of convictions.

6. In accordance with adopted procedures, the Committee received Mr MMA of Cardiff who was in attendance so that a review of his Hackney Carriage/Private Hire Vehicle Driver Licence could be undertaken following a complaint made by a member of the public and subsequent test purchase conducted by officers of the Licensing Team.

(Note: On consideration of the report in respect of Mr MMA of Cardiff County Borough Councillor S. Powderhill informed Committee that he had to declare a personal and prejudicial interest as he knew the person who supplied the statement of witness very well. Accordingly County Borough Councillor S. Powderhill left the meeting for the duration of the item).

Mr MMA of Cardiff responded to questions raised by the Service Director, Public Health & Protection and Committee Members in respect of his review.

With the permission of the Chair, the Service Director, Public Health & Protection read the contents of an email in support of Mr MMA.

Following consideration of the evidence before them it was **RESOLVED** to suspend Mr MMA's Joint Hackney Carriage/Private for a period of 3 months as a punitive measure.

DEFERRED APPLICATIONS

7. Pursuant to the meeting held on 6th December 2016 (Minute No. 49 (4) refers) when it was resolved to defer determination of the application to allow Mr MAAA of Cardiff the opportunity to provide Members with two further documents in respect of his application, Committee received the applicant so that his application for the grant of Hackney Carriage/Private Hire Vehicle Driver Licence could be considered.

One further letter of support was submitted to the Service Director, Public Health & Protection who read aloud a summary of its content for the benefit of Committee.

Following consideration of the evidence before them Committee **RESOLVED** to grant the application of Mr MAAA of Cardiff subject to the usual standard terms and conditions.

8. Pursuant to the meeting held on the 6th December 2016 (Minute No. 49 (5) refers) when Committee resolved to defer determination of the application of Mr MA of Cardiff for the renewal of a Hackney Carriage/Private Hire Vehicle Driver Licence as he was not in attendance at the meeting.

The Service Director, Public Health & Protection informed Members that Mr MA of Cardiff was not present on this, the second occasion to present himself before Committee. Members were reminded that failure to attend for the second occasion would result in the matter being determined in his absence.

Committee considered the report before them and **RESOLVED** to refuse the application for the renewal of a Hackney Carriage/Private Hire Vehicle Driver Licence for Mr MA of Cardiff as Members were of the opinion that that he did not meet the fit and proper person criteria required to hold a Hackney Carriage/Private Hire Vehicle Drivers Licence with particular regard to section 5.8 of the Guidance of the Policy on relevance of convictions.

61. ENFORCEMENT SUMMARY

The Service Director, Public Health & Protection presented his report outlining the most recent activity relating to enforcement activity, including any prosecution and appeal updates for the period 20th November 2016 to the 12th January 2017. Following consideration of the report it was **RESOLVED** to note the content which had been provided for information only.

62. 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 21st November 2016 to 25th December 2016 and it was **RESOLVED** to note the report.

A. S. Fox
Chairman

The meeting closed at 7.30pm