

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, 7th March 20176 at 5:00pm.

PRESENT

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

County Borough Councillors

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

Officers in Attendance:

Mr P J Mee - Service Director, Public Health & Protection
Mr P. Nicholls –Head of Legal – Litigation, Planning & Environment,
Community & Children’s Services
Mr G. Black – Community Safety & Licensing Manager
Mr L. Morgan – Assistant Licensing Manager

52. APOLOGIES FOR ABSENCE

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

53. DECLARATIONS OF INTEREST

RESOLVED – In accordance with the Code of Conduct, the following declarations of personal interests pertaining to the agenda were made:-

1. County Borough Councillor S. Bradwick in relation to Agenda item 8 – Summary of Licences Issued under Provision of Delegated Authority – ‘I know one of the applicants at Agenda 8’.
2. County Borough Councillor B. Morgan in relation to Agenda Item 6 – Applications for Licensing and/or Registration – ‘The Applicant lives in my ward and I have acted on behalf of complaints against Mr GD on behalf of neighbours –This is also a prejudicial interest and I shall leave the meeting for the duration of the application’.

(A further declaration was made later in the meeting to which Minute No. 59 (5) refers).

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. WELCOME

On behalf of the Licensing Committee the Chair extended a welcome to Mrs A. Evans, Team Manager at the Oasis Centre, Pontypridd to the meeting.

56. MINUTES

RESOLVED to approve as an accurate record the minutes of the meeting of the Licensing Committee held on the 17th January 2017.

57. 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 26th December 2016 to the 26th February 2017.

Following consideration of the report it was **RESOLVED** to note the content.

58. 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

59. 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 six applications, four for the Grant of a Hackney Carriage/Private

Hire Vehicle Driver Licence and one for the grant of both Hackney Carriage/Private Hire Vehicle Driver Licence and Private Hire Vehicle Operator Licence. Two applications were before Committee for the review of Hackney Carriage/Private Hire Vehicle Driver Licence initiated by the disclosure of complaints and convictions.

- 1) The Service Director Public Health & Protection advised Committee that Mr RL of Pentre would not be in attendance due to a family bereavement. 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.

(Note: With the permission of the Chair it was agreed to consider the agenda out of sequence in order to allow Mr MCP of Cardiff sufficient time to present himself before Committee).

(It was agreed to consider the agenda out of sequence in order to allow Mr MCP of Cardiff time to present himself before Committee).

- 2) In accordance with adopted procedures Committee received Mr DET of Pontyclun 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.

Following consideration of the report together with the views of South Wales Police on the case before them it was **RESOLVED** to grant the application of Mr DET of Pontyclun subject to the usual standard terms and conditions, receipt of a satisfactory medical; 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)

- 3) In accordance with adopted procedures, Committee received Mr MCP of Cardiff whose application for the grant of a Hackney Carriage/Private Hire Vehicle Driver Licence and Private Hire Vehicle Operator Licence was before Committee for determination.

Mr MCP responded to questions raised by the Service Director Public Health & Protection following which Committee **RESOLVED** to grant the application subject to the usual standard terms and conditions.

- 4) In accordance with adopted procedures, Committee received Mr MA of Cardiff whose application for the grant of his Hackney Carriage/Private Hire Vehicle Driver Licence was before Committee for its consideration. The person in attendance with the applicant was introduced as a

representative of the Bangladesh community and present to support the applicant.

With the assistance of his colleague Mr MA of Cardiff proceeded to respond to questions posed by the Service Director Public Health & Protection as well as Committee Members. At the request of the Chair, Members also received the views of South Wales Police on the case before them.

In conclusion, Members **RESOLVED** to refuse the application as they were of the opinion that Mr MA of Cardiff did not meet the fit and proper person criteria required to hold a Hackney Carriage/Private Hire Vehicle Drivers Licence. As well as the offences detailed in the report, Members specifically took into consideration the complaint history associated with the applicant when reaching their decision to refuse.

- 5) In accordance with adopted procedures Members received Mr CHS of Pontypridd who was before them so that a review could be undertaken in respect of his Hackney Carriage/Private Hire Vehicle Driver Licence.

(**Note:** On receiving Mr CHS of Pontypridd, County Borough Councillor S. Powderhill informed Committee that he would need to declare a personal and prejudicial interest in this particular case as he knew the Licensee's parents very well. Accordingly County Borough Councillor S. Powderhill left the meeting for the duration of the review).

The Committee proceeded to deal with the case before them and the person in attendance with the Licensee was introduced as a taxi proprietor and friend.

Mr CHS responded to questions raised by the Service Director, Public Health & Protection and Committee Members in respect of his review. During the proceedings the Licensee informed Committee that he was shortly to attend the Magistrates Court in relation to a matter pertaining to the review. Following advice provided by the Legal Officer present the Licensee requested that his review be deferred until such time that the matter has been considered by the Magistrates Court.

In light of the new information raised before Committee, Members **RESOLVED** to defer determination of the review before them, at the request of the Licensee, to the next appropriate Licensing Committee.

(Note: Having previously declared a personal and prejudicial interest in the next item (Minute No. 53 (2) refers) County Borough Councillor B. Morgan left the meeting at this point in the proceedings).

- 6) In accordance with adopted procedures, the Committee received Mr GD of Pontypridd so that a review of his Hackney Carriage/Private Hire Vehicle Driver Licence could be undertaken.

Mr GD responded to many questions posed by the Service Director Public Health & Protection and by Committee Members in respect of his review. At the request of the Chair, Members also received the views of South Wales Police and the Team Manager of the Oasis Centre in Pontypridd on the case before them.

In conclusion and following consideration of the oral and written evidence before them, including additional information which had been circulated at the meeting, Members **RESOLVED** to revoke the Hackney Carriage/Private Hire Vehicle Driver Licence of Mr GD of Pontypridd Whilst considering the evidence before them, Committee were particularly mindful of the evidence and professional advice provided by the Oasis Centre Manager and South Wales Police and of the duty of care for public safety assigned to them as a Licensing Committee.

Committee wished to thank the officers present who had provided their professional advice and guidance.

60. 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 13th January 2017 to the 24th February 2017. Following consideration of the report it was **RESOLVED** to note the content which had been provided for information only.

61. 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 26th December 2016 to the 26th February 2017 and it was **RESOLVED** to note the report.

A. S. Fox
Chairman

The meeting closed at 7.20pm