

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, 22 October 2013 at 5:00pm.

PRESENT

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

County Borough Councillors

(Mrs) T. A. Bates	I. Pearce	L. Walker
S. A. Bradwick	B. Morgan	E. Webster
(Mrs) S. Jones	S. Powderhill	T. Williams
(Mrs) C. Leyshon	J. Rosser	

Officers in Attendance:

Mr P J Mee - Service Director, Public Health & Protection
Mrs R. Smith –Solicitor
Mrs M Williams – Licensing Manager
Mr L Morgan – Assistant Licensing Manager

38. APOLOGIES FOR ABSENCE

Apologies of absence were received from County Borough Councillors K. Montague, G. Smith and R. B. McDonald

39. DECLARATIONS OF INTEREST

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

40. 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.

41. MINUTES

RESOLVED to approve as an accurate record the minutes of the meeting of the Licensing Committee held on the 17th September 2013.

42. ANNOUNCEMENT

The Chairman announced that from today two members of the Licensing team would accompany the applicants for Licensing and/or Registration following determination of their applications so as to ensure the safety

and well being of Licensing staff. Members of the Committee applauded the decision.

REPORTS OF THE SERVICE DIRECTOR PUBLIC HEALTH AND PROTECTION

43. CHANGES TO LICENSING COMMITTEE TERMS OF REFERENCE

The Service Director, Public Health & Protection presented his report to Members in respect of the constitutional changes to the remit of the Licensing Committee in view of the Scrap Metal Dealers Act 2013 and the Provisions for hearing appeals regarding 'Home to School Transport' and suitability of Drivers/Passenger Assistants (escorts).

The background to the report was outlined as was the timescale for implementation and Members were directed to the report which was submitted to and ratified by Full Council on the 25th September 2013 as Appendix 1A. Relevant to members was the need to potentially determine contested applications in relation to Scrap Metal Dealers by the next scheduled meeting of the Licensing Committee and the Service Director Public Health & Protection explained the application process.

The Service Director Public Health & Protection also outlined the changes that will come into force regarding the 'Home to School Transport' appeals which will be managed by the Council's Integrated Transport Unit.

Further details were presented in relation to the implementation process for the Scrap Metal Dealers, the application fees and the specifics of how the applications may be considered by the Licensing Authority. Members were assured that a briefing session would be provided to Members of the Licensing Committee prior to the subsequent Licensing Committee, held on the 3rd December 2013, to highlight the key elements of the 'suitable persons test' amongst other key considerations. At this point the Service Director, Public Health & Protection reported orally on a correction to the date for the next scheduled Licensing Committee and proposed briefing session which should read 3rd December 2013 and not the 2nd December 2013.

Following consideration of the report Members **RESOLVED** to:-

- I. Note the content of the report in respect of the constitutional changes introduced and the process of implementation which is provided for information
- II. Note the proposals for a briefing session for Members to be held prior to the next scheduled Licensing Committee meeting, 3rd December 2013, commencing at 4.00pm

44. 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 the 2nd September 2013 to 6th October 2013. There followed a discussion in relation to the sale of fireworks and the Service Director Public Health & Protection assured Members of the Licensing Committee that health and safety checks and constraints have been introduced to strengthen controls regarding the sale of fireworks. Following consideration of the report it was **RESOLVED** to note the report.

45. 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.

46. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER LICENSES

In his report, the Service Director, Public Health and Protection set out details of the following applications in respect of the renewal of the Hackney Carriage/Private Hire Vehicle Licenses which required consideration by Members.

1. In accordance with adopted procedures, the committee received Mr DAJ of Tylorstown whose application for the renewal of a Joint Hackney Carriage/Private Hire Vehicle driver licence was brought before Members. The applicant confirmed the details of the offences recorded against him were correct and he explained the circumstances surrounding his convictions. Following consideration of the evidence before them Members **RESOLVED** to grant the application subject to the usual terms and conditions and a strict warning letter being place on record.

(**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. In accordance with adopted procedures, the committee received Mr AF of Mountain Ash whose application for the renewal of Joint Hackney Carriage/Private Hire Vehicle driver licence was considered by Members of the Licensing Committee. The applicant confirmed the details of the offences recorded against him were correct and he outlined the circumstances surrounding the convictions. Members noted that the applicant had recently undertaken training in respect of Certificate of Professional Competency which was required for the purpose of driving vehicles in HGV category. Following consideration of the report and the applicant's previous Licensing history Members **RESOLVED** to grant the application subject to the usual standard terms and conditions and a requirement to obtain the BTEC Level 2 Certificate Transporting Passengers for Hire & Reward within a period of 2 months.
3. At this juncture in the proceedings Committee agreed to consider the agenda out of sequence and received Mr CMJ of Tonypany whose application for the renewal of Joint Hackney Carriage/Private Hire Vehicle driver licence was due for consideration by Members.

Following consideration of the report and confirmation from South Wales Police that their records correspond with the circumstances surrounding the applicant's cautions, Members of the Licensing Committee **RESOLVED** to grant the application subject to the usual standard terms and conditions.

4. The Service Director Public Health & Protection confirmed that Mr AH of Aberdare was not in attendance to present his application and it was **RESOLVED** to defer determination of the application 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.
5. The Service Director, Public Health & Protection informed Committee that Mr SWY of Taffs Well would not be in attendance until such time as an outstanding allegation against him had been determined by the Court, therefore it was **RESOLVED** to defer determination of his application to a future meeting of the Licensing Committee.

47. ENFORCEMENT SUMMARY

The Service Director Public Health and Protection provided Members with a summary of recent enforcement activity in respect of Taxi and Miscellaneous Licences for the period 2nd September 2013 to 6th October 2013.

Updates were provided in relation to both complaint led enforcement activity and proactive vehicle and driver checks. It was reported that the

ongoing complaints from licensed drivers and members of the public at the Pontypridd Taxi Rank have resulted in a multi agency collaboration to tackle the issues arising from test purchases carried out over the course of two evenings during the period. Committee was assured that further details would be forthcoming over the next few months.

Members of the Committee noted two prosecutions for the period with details attached and following consideration of the report it was **RESOLVED** to note the content which had been provided for information only.

48. 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 2nd September to the 6th October 2013 and it was **RESOLVED** to note the report.

A S Fox
Chairman

The meeting closed at 6.10pm