

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, 17 June 2014 at 5:00pm.

PRESENT

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

County Borough Councillors

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

Officers in Attendance:

Mr P J Mee - Service Director, Public Health & Protection
Mr P. Nicholls, Principal Solicitor
Mrs R. Smith –Solicitor
Mrs M Williams – Licensing Manager
Mr L Morgan – Assistant Licensing Manager
Mr R Waters – Head of Service, Highways, Transportation and Strategic Projects
Ms J Davies – Child Protection Co-ordinator

1. APOLOGIES FOR ABSENCE

An apology for absence was received from County Borough Councillors R. B. McDonald and I. Pearce.

2. DECLARATIONS OF INTEREST

The following declaration of personal and prejudicial interest was received from County Borough Councillor T. Williams in relation to Agenda item No.10 Consideration of Appeals against refusal to allow use as Transport Contract Personnel, 'I know the person from my ward. We have had a lot of meetings in Dan Y Rhiw and there is a big meeting on Thursday which he may attend – I will leave the meeting for this item'

3. 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.

4. MINUTES

RESOLVED to approve as an accurate record the minutes of the meeting of the Licensing Committee held on the 15th April 2014 and of the Special Licensing Committee held on the 30th April 2014.

REPORTS OF THE SERVICE DIRECTOR PUBLIC HEALTH AND PROTECTION

5. 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 24th March to the 1st June 2014 and following consideration of the report it was **RESOLVED** to note the content.

6. 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.

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

The Service Director, Public Health and Protection informed Members of the Committee that his report was for information only and he reminded Members that the original application of Mr C W of Aberdare had been deferred as there were matters before the Court yet to be concluded. It was confirmed that the court case has now been listed for the 19th June 2014, the outcome of which will be relayed to members at a subsequent meeting of the Licensing Committee.

Members **RESOLVED** to note the updated position.

8. ENFORCEMENT SUMMARY

The Service Director, Public Health & Protection presented his report outlining recent enforcement activity in respect of Taxi & Miscellaneous Licences.

An update was provided in respect of Pro-active Vehicle & Driver Checks carried out in Pontypridd and Aberdare and of a late night exercise conducted on the 26th April 2014 by several agencies to inspect vehicle conditions with particular concern regarding the use of illegal fuel. A further update was provided in respect of ongoing issues at the Pontypridd Taxi Rank.

Members were reminded of the consultation period for the proposed changes to the vehicle policy and the events which had taken place to assist the licensees. Members were informed that the response of the licensees has been positive and officers are currently analysing the feedback to consider if there are any changes needed to be implemented. The outcome of the consultation period together with any necessary revisions will be reported to the Licensing Committee on the 29th July 2014

The Service Director confirmed one prosecution for the period which has been adjourned for sentencing on the 20th June 2014, the outcome of which will be reported at the next Licensing Committee. Members were informed that one appeal has been lodged in the period; however the Service Director confirmed orally at the meeting that the appeal has since been withdrawn.

9. 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 24th March to the 1st June 2014 and it was **RESOLVED** to note the report.

10. CONSIDERATION OF APPLICATIONS FOR DETERMINATION UNDER PROVISIONS OF SCRAP METAL DEALERS ACT 2013

In his report, the Service Director, Public Health & Protection set out details of the following application in respect of the issue of a Mobile Collector licence.

1. In accordance with adopted procedures the Committee received Mr DJF of Caerphilly whose application for a mobile collection licence required consideration by Members of the Licensing Committee. Mr DJF of Caerphilly described the circumstances surrounding his offences and Members were given the opportunity to question the applicant. The Police Licensing Officer confirmed that the objection of South Wales Police regarding the suitability of Mr DJF being granted a mobile collection licence remains unchanged.

Following consideration of the report, the representations of the applicant and that of the South Wales Police Licensing Officer

Committee believed that Mr DJF of Caerphilly was a suitable person to hold a Collectors Licence and therefore it was **RESOLVED** to grant the application for Mobile Collector Licence. However, Members wished it to be noted that given the nature of the convictions Mr DJF of Caerphilly should be warned as to the detrimental effect that any further convictions may have upon any future application he may make to renew his Collectors Licence.

11. CONSIDERATION OF APPEALS AGAINST REFUSAL TO ALLOW USE AS TRANSPORT CONTRACT PERSONNEL

(**Note:** Having declared a personal and prejudicial interest in relation to Agenda Item 10 (Minute No. 2 refers) County Borough Councillor T. Williams left the meeting for the duration of this item).

The Service Director, Public Health & Protection presented the report of the Head of Service, Highways, Transportation & Strategic Projects in respect of consideration of appeals against refusal to allow use as transport contract personnel.

In accordance with adopted procedures Members of the Committee received the applicant Mr M R W of Aberdare who was in attendance with Mr B J who was introduced to the Committee as a potential employer to the applicant.

Following consideration of information contained within the Licensing Committee report and representations from the applicant, the Head of Highways, Transportation & Strategic Projects, South Wales Police and the Council's Child Protection Co-ordinator it was **RESOLVED** to refuse the appeal and confirm that Mr M R W of Aberdare is unsuitable for use as a Contract Transport Personnel.

A S Fox
Chairman

The meeting closed at 6.30pm