

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, 2 September 2014 at 5:00pm.

PRESENT

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

County Borough Councillors

T. A. Bates	I. Pearce
S. A. Bradwick	B. Morgan
R. B. McDonald	J. Rosser
S. J. Jones	G. Smith
C. Middle	E. Webster

Officers in Attendance:

Mr P J Mee - Service Director, Public Health & Protection

Mrs R. Smith – Solicitor

Mr L. Morgan – Assistant Licensing Manager

22. APOLOGIES FOR ABSENCE

An apology for absence was received from County Borough Councillors (Mrs) C. Leyshon, S. Powderhill, L. Walker and T. Williams

23. DECLARATIONS OF INTEREST

The following declarations of personal Interest were received from:-

- i. County Borough Councillor S. A. Bradwick in relation to Agenda Item 6, Consideration of Applications for Licensing and/or Registration (Mr JW of Aberdare) – ‘I know the person in the report, I have used him and his company as my taxi for many years – This is a prejudicial interest, I will not take part in the meeting and I will leave the room’
- ii. County Borough Councillor R. B. McDonald in relation to Agenda Item 8, Summary of Licences issued under provision of Delegated Authority, Reference No. 400658 – ‘Applicant is brother of my daughter-in-law’

24. 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.

25. MINUTES

RESOLVED to approve as an accurate record the minutes of the meeting of the Licensing Committee held on the 29th July 2014.

REPORTS OF THE SERVICE DIRECTOR PUBLIC HEALTH AND PROTECTION

26. 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 21st July 2014 to 17th August 2014 and following consideration of the report it was **RESOLVED** to note the content.

27. 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.

28. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION FOR REVIEW OF 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 Review of Hackney Carriage/Private Hire Vehicle Licenses which required consideration by Members.

- 1) In accordance with adopted procedures the Committee received Mr MJW of Aberdare, who was before Members so that a review of his Joint Hackney Carriage/Private Hire Vehicle Driver Licence could be undertaken following a conviction and period of disqualification of his DVLA licence and the Licensee's failure to disclose this pending matter at the time of his application for a licence and appearance at an earlier committee hearing.

The Licensee confirmed a change to his personal details and explained the circumstances resulting in the Magistrates Courts decision to disqualify the DVLA licence and the subsequent suspension of the Joint Hackney Carriage/Private Hire Vehicle Driver Licence. The Service Director Public Health & Protection sought clarification from the licensee as to why he had not disclosed the pending matter at the time of his application for a licence and at this juncture in the proceedings the South Wales Police Officer present was called upon to clarify the process by which the licensee would have been informed of the pending Court Hearing.

The Service Director also sought clarification as to a further additional motoring offence that had been disclosed by Mr MJW to Licensing Officers prior to the Committee Hearing.

With the permission of the Chairman the Service Director, Public Health & Protection read aloud from three letters submitted by Mr MJW in support of his review.

Following consideration of the report together with the oral and written evidence Committee **RESOLVED** to revoke the Joint Hackney Carriage/Private Hire Vehicle Driver licence of Mr MJW of Aberdare with immediate effect as Members were of the view 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 Paragraph one within the Policy of Guidance on relevance of convictions, guidance on the criteria taken into account when considering the 'fit and proper person'. Whilst reaching their decision to revoke the licence Members also considered the licensee's previous motoring convictions together with the fact that no details of the pending matter were brought to the attention of the Council's Licensing Department during the processing of his renewal application.

(Note: County Borough Councillor S. A. Bradwick, having declared a personal and prejudicial interest Minute No. 23 (i) refers, left the meeting for the duration of the review).

(Note: The following lost motion to 'Remove the suspension and allow the licence to continue subject to a requirement to obtain the BTEC Level 2 Certificate Transporting Passengers for Hire & Reward within a period of 2 month' was moved by County Borough Councillor R. B. McDonald).

- 2) Pursuant to Minute No. 19/1 (3), Licensing Committee held on the 29th January 2014 when Members resolved to defer consideration of the review of the Joint Hackney Carriage/Private Hire Vehicle Driver Licence of Mr CW of Aberdare, the Service Director Public Health & Protection presented his report to members of the Committee in respect of the review which had been brought following a number of complaints relating to the behaviour of the licensee.

In accordance with adopted procedures Committee received Mr CW of Aberdare who confirmed the details within the report were correct and introduced the person in attendance with him as his Legal Representative. A statement prepared by the Licensee was read to the Committee by the legal representative addressing the issues alluded to in the complaint history set out in the report.

At this juncture in the proceedings an officer from South Wales Police was called upon to outline the circumstances and specific details of one of the complaints for the benefit of Committee.

During his prepared statement and through the course of the questioning, by the Service Director Public Health & Protection, Mr CW of Aberdare admitted one of the allegations made against him namely the 23.5.14 and duly apologised for his behaviour on that occasion.

Mr CW legal representative addressed Committee on behalf of his client and handed to the Chair, documents on behalf of Mr CW.

Following consideration of the report Committee **RESOLVED** to revoke the Joint Hackney Carriage/Private Hire Vehicle Driver licence of Mr CW of Aberdare 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 specific regard to the guidelines set out in paragraph 1 of the Licensing Policy of Guidance on Relevance of Convictions and 2.10 under Deferred Items. Members specifically took into account the complaint history as set out in Appendix 2A and paragraph 2.6 of the report, including the incident dated 23.5.14 which Mr CW of Aberdare admitted to during the course of the proceedings, when reaching their decision to revoke.

29. ENFORCEMENT SUMMARY

The Service Director, Public Health & Protection presented his report outlining recent enforcement activity in respect of Taxi & Miscellaneous Licences for the period 14th July 2014 to the 17th August 2014.

Members were provided with details of the recent complaints received from the taxi trade in the last period and of progress in relation to the Pro Active Vehicle and Driver Checks which have been carried out specifically in the town of Aberdare.

It was reported that there are still ongoing issues to be considered at the Pontypridd Taxi Rank where a number of partner agencies continue to work together to overcome issues such as private vehicles parking on the rank.

Members were informed that there were no prosecutions or appeals to report for the period.

30. 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 14th July 2014 to 17th August 2014 and it was **RESOLVED** to note the report.

A S Fox
Chairman

The meeting closed at 6.35pm