

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, 20th October 2015 at 5:00pm.

PRESENT

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

County Borough Councillors

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

Officers in Attendance:

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

Mrs R. Smith - Solicitor

Mrs M. D. Williams – Licensing Manager

Mr L. Morgan – Assistant Licensing Manager

23. APOLOGIES FOR ABSENCE

An apology for absence was received from County Borough Councillor (Mrs) J. Cass and (Mrs) M. Tegg.

24. DECLARATIONS OF INTEREST

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

(A declaration of personal interest was declared later in the meeting to which Minute No.30 (3) refers)

25. 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.

26. MINUTES

RESOLVED to approve as an accurate record the minutes of the meeting of the Licensing Committee held on the 8th September 2015.

REPORTS OF THE SERVICE DIRECTOR PUBLIC HEALTH AND PROTECTION

27. INTENDED USE/REMOTE TRADING POLICY FOR HACKNEY CARRIAGES

The Service Director, Public Health & Protection presented his report in respect of the intended use/remote trading policy for Hackney Carriages which considers both the risk to public safety presented by the remote trading of Hackney Carriages in other Authority areas and an appropriate policy to mitigate such a risk

Members of the Committee were provided with background information in respect of remote trading and informed that in 2008 the principle was established that it was lawful for Hackney Carriages to trade as Private Hire Vehicles (accepting only pre bookings) in a local authority area other than that which issued the licences, (the home authority). Committee was informed that although lawful, public safety can be compromised in a number of ways.

Members were provided with a summary of out of area licences for Rhondda Cynon Taf and concern raised in connection with applications specifically from Bristol due to the distance between the boundaries of the two areas. It was stated that Licensing Officers are currently liaising with colleagues in Bristol to monitor the issue.

The Service Director, Public Health & Protection clarified the position of Rhondda Cynon Taf following a review of the existing licences and advised Members of the draft proposal policy which sets out how the Local Authority will deal with future applications for grant, renewal and transfer of Hackney Carriages following the High Court Judgement in 2008 and the impact on remote trading of Hackney Carriages. It was proposed that the draft policy is subject to a short consultation with the licensed trade and the results subsequently shared with this Committee at a future meeting.

Following discussion of the report it was **RESOLVED** to:-

- i. Note the content of the report which is provided for information
- ii. Support the proposal of the Director of Public Health & Protection for the draft policy advocated in respect of out of area/remote trading of Hackney Carriages;

- iii. Note the proposal of the Service Director, Public Health & Protection to undertake a short consultation with the licensed trade on the draft policy, with the outcome to be reported to a future meeting of this Committee

28. 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 August to the 4th October 2015. Following consideration of the report it was **RESOLVED** to note the content.

29. 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

30. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 –REVIEW OF FIT & PROPER PERSON CRITERIA (JOINT HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER LICENCE AND/OR HACKNEY CARRIAGE LICENCES)

In his report, the Service Director, Public Health and Protection set out details of four reviews of 'Fit & Proper Person' criteria which were before Members for their consideration.

Also, in view of the urgency of the matter and with the permission of the Chairman, the Service Director, Public Health & Protection presented his supplementary report outlining the need to review an additional Hackney Carriage/Private Hire Vehicle Driver Licence.

At this juncture in the proceedings it was announced that Mr ALK of Bristol was not yet in attendance therefore with the permission of the Chair it was agreed to consider the remainder of the agenda items until such time that the Licensee arrives.

- 1) The Service Director Public Health & Protection advised Members of the Committee that Ms NSB of Tonypany was not in attendance before Members so that a review of the Hackney Carriage Licence could be considered due to illness. Committee **RESOLVED** to defer determination of the application to the next appropriate meeting of the Licensing

Committee, to afford her the opportunity to present herself to Members so that they can consider the review and that failure to attend on a second occasion will result in the matter being determined in her absence.

- 2) Pursuant to the meeting held on the 8th September 2015, Minute No. 29 (1) refers, when Mr AAM of Cardiff failed to present himself before Committee due to a prior commitment, the Service Director Public Health & Protection presented his report in respect of the review of his Hackney Carriage/Private Hire Vehicle Driver Licence following a conviction for a further offence and failure to disclose the matter at the time of application for a licence.

In accordance with adopted procedures Committee received Mr AAM of Cardiff who confirmed the offences and details within the report were correct, subject to it being noted that there was a correction to his house number. Mr AAM of Cardiff continued to outline the circumstances surrounding his convictions. During the proceedings South Wales Police were asked to provide their views on the case before them.

Following consideration of the evidence before them Committee **RESOLVED** to allow the Joint Hackney Carriage/Private Vehicle Licence Driver Licence of Mr AAM of Cardiff to continue with a strict warning regarding future activity.

(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) Pursuant to the meeting held on the 8th September 2015, (Minute No. 29 (2) refers), when Mr RJT of Aberdare failed to present himself before Members of the Committee as he was unable to secure transport to the meeting, the Service Director, Public Health & Protection presented his report outlining the review of Mr RJT's suitability to hold a Joint Hackney Carriage/Private Hire Vehicle Driver Licence following a complaint recorded against him.

In accordance with adopted procedures, the Committee received Mr RJT of Aberdare who confirmed the details within the report were correct. The licensee proceeded to outline the circumstances surrounding the disclosure made by South Wales Police of a complaint from a passenger regarding a journey undertaken on the 26th July 2015 and his suitability to continue in the role of a licensee for Rhondda Cynon Taf.

(Note: On listening to the evidence before them County Borough Councillor S. A. Bradwick informed the Chairman that he would declare a personal and prejudicial interest in this matter as he believed he may know a person the licensee had referred to. Accordingly, County Borough Councillor S. A. Bradwick left the meeting for this item).

Mr RJT of Aberdare responded to questions posed by the Service Director, Public Health & Protection and Members of the Committee. The South Wales Police Officer was also called upon to provide their view on the matter.

Following consideration of the written and oral evidence before them, Members **RESOLVED** to revoke the licence of Mr RJT of Aberdare as they were of the opinion that he did not meet the fit and proper person criteria required to hold a Hackney Carriage/Private Hire Vehicle Driver Licence in view of the serious nature of the disclosure submitted by South Wales Police and the risk presented to public safety.

- 4) In accordance with adopted procedures the Committee received Mr SL of Treherbert, who was before Members so that a review of his Joint Hackney Carriage/Private Hire Vehicle Driver Licence could be undertaken following the suspension of his licence as a result of a road traffic accident on the 18th August 2015.

The Licensee explained the circumstances surrounding the road traffic accident which led to the suspension of his Joint Hackney Carriage/Private Hire Vehicle Driver Licence, (with immediate effect in the interest of public safety) and he also provided details of his medical history. Two other incidents of concern relating to the licensee were also brought to Members' attention, the details of which were corroborated by the South Wales Police officer present.

Following lengthy deliberation, Committee **RESOLVED** to revoke the licence of Mr SL of Treherbert as it considered that he did not meet the 'fit and proper' person criteria required to hold a Joint Hackney Carriage/Private Hire Vehicle Driver Licence. Whilst the Committee were aware that Mr SL's income was reliant on his occupation as a 'Taxi Driver', the key consideration of the Committee was the protection of public safety and the action of revocation was therefore considered necessary in the wider public interest.

- 5) Following confirmation that Mr AIK of Bristol was now in attendance Committee received the licensee who was before them so that a review of his licences could be undertaken following a complaint and disclosure by Avon and Somerset Police.

The Licensee outlined the circumstances surrounding the events which led to the review being brought against him. Mr AIK of Bristol responded to questions posed by the Service Director, Public Health & Protection and Members of the Committee. This included confirmation that, to date, Mr AIK had not traded for hire & reward within the County Borough of Rhondda Cynon Taf on any occasion, trading solely in the Bristol area. Members expressed concern at the potential compromise to public safety arising from his trading activity and the implications of enforcing conditions of licence such a considerable distance from the 'Home Authority'.

Following deliberation as to whether Mr AIK of Bristol was considered to be a 'fit and proper' person to hold Licences with Rhondda Cynon Taf it was **RESOLVED**:-

(i) **Joint Hackney Carriage/Private Hire Vehicle Driver Licence** -To revoke the Joint Hackney Carriage/Private Hire Vehicle Driver licence with immediate effect in the interests of public safety

(ii) **Hackney Carriage Licence** –To revoke the current licence

31. ENFORCEMENT SUMMARY

The Service Director, Public Health & Protection presented his report to Committee and updated Committee with the most recent activity relating to the taxi trade, enforcement activity and school transport checks for the period 24th August to the 4th October 2015.

The Service Director Public Health & Protection concluded his report and confirmed that there is one prosecution for the period and it was **RESOLVED** to note the content which had been provided for information only.

32. 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 August to the 4th October 2015 and it was **RESOLVED** to note the report.

A. S. Fox
Chairman

The meeting closed at 7.10pm