

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, 8th March 2016 at 3:00pm.

PRESENT

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

County Borough Councillors

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

Officers in Attendance:

Mr P J Mee - Service Director, Public Health & Protection
Mrs R. Smith – Solicitor
Mr A. Mallin – Community Safety & Licensing Manager
Mr L. Morgan – Assistant Licensing Manager
Mrs A Evans – Manager of the Oasis Centre, Pontypridd
Mrs S O'Donovan – Safeguarding Coordinator

52. APOLOGIES FOR ABSENCE

An apology for absence was received from County Borough Councillor (Mrs) T. Bates, (Mrs) J. Cass, C. Middle, I. Pearce and S. Powderhill

53. DECLARATIONS OF INTEREST

County Borough Councillor B. Morgan declared a personal interest in respect of Agenda Item 6 (3)-Application for Review of Hackney Carriage/Private Hire Vehicle Driver Licence – Mr GD of Pontypridd- “I have had to act on behalf of some of the people affected by the applicant – This is also a prejudicial interest and I will be leaving the meeting for this item”.

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. MINUTES

RESOLVED to approve as an accurate record the minutes of the meeting of the Licensing Committee held on the 19th January 2016.

56. WELCOME

The Chairman extended a welcome to Mrs Ann Evans, Team Manager, The Oasis Centre and Ms Sian O'Donovan, Safeguarding Coordinator to the meeting.

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 21st December 2015 to the 21st February 2016. 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 APPLICATIONS AND REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER LICENCES

In his report, the Service Director, Public Health and Protection set out details of one application for the grant of a Hackney Carriage/Private Hire Vehicle Driver Licence, one application for the renewal of Hackney Carriage/Private Hire Vehicle Driver Licence and one application for a review of Hackney Carriage/Private hire Vehicle Driver Licence all of which required Members' determination.

1. In accordance with adopted procedures Committee received Mr MRBN of Porth who was before Members of the Committee so that his application for the grant of a Hackney Carriage/Private Hire Vehicle Driver Licence could be considered. The person in attendance with the applicant was introduced as the Applicant's father. Following confirmation from the applicant that the details of the offences recorded against him were

correct, the Licensee gave a detailed account of the circumstances surrounding his convictions and in addition, information was provided by a South Wales Police Officer who was present at the meeting. The Police Officer also provided committee with additional information relating to two incidents, one which led to the applicant attending a Driver Awareness Course, the second which led to a subsequent Section 59 warning being issued to the applicant by South Wales Police. Members were apprised of the detail behind the Section 59 warnings and of the applicant's requirement to attend a driver's awareness course on two separate occasions within 12 months.

The Applicant's father accepted the opportunity to address Committee and with the permission of the Chairman the Service Director; Public Health & Protection read aloud from a letter from Mr Greedy stating that should Committee grant the licence, Mr MRBN of Porth would take up position with his company, AG Taxis in Tonyrefail.

Following consideration of the oral and written evidence and consultation with the South Wales Police Officer present regarding the accuracy of the records before Committee it was **RESOLVED** to refuse the application for the grant of a Hackney Carriage/Private Hire Vehicle Driver Licence as they were of the opinion that Mr MRBN of Porth did not meet the fit and proper criteria required to hold a Hackney Carriage/Private Hire Vehicle Drivers Licence with particular regard to section 12.1 of the Guidance of the Policy on relevance of convictions and in view of the fact that insufficient time had elapsed since the date of the applicant's most recent conviction. Whilst reaching their decision to refuse the application committee also had regard to the additional information provided by South Wales Police in respect of the two driving related incidents, one of which was the Section 59 warning which had been issued to the Applicant.

2. In accordance with adopted procedures Committee received Mr DPCG of Pontyclun whose application for the renewal of his Hackney Carriage/Private Hire Vehicle Driver Licence was before Committee for its consideration. The Licensee confirmed the details within the report were correct and he answered several questions posed by the Service Director Public Health & Protection in respect of the offences listed against him.

Following consideration of the evidence before them, Committee **RESOLVED** to allow the licence for Hackney Carriage/Private hire Vehicle Driver Licence of Mr DPCG of Pontyclun to continue with a warning letter attached 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)

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

3. In accordance with adopted procedures Committee received Mr GD of Pontypridd so that a review of his Joint Hackney Carriage/Private Hire Vehicle Driver Licence could be undertaken following concerns in respect of the number of formal investigations which have been carried out over the past 5 years into MR GD's behaviour. It was confirmed that such were the concerns, a multi agency Professional Strategy Safeguarding meeting was held on the 19th February 2016 which resulted in the Joint Hackney Carriage/Private Hire Vehicle Driver Licence being suspended with immediate effect.

Mr GD confirmed that the personal details within the report were correct and he introduced the person in attendance with him as his partner. Mr GD outlined some of the incidents which have required formal investigation.

Following deliberation as to whether Mr GD of Pontypridd was a fit and proper person to hold a Hackney Carriage/Private Hire Vehicle Driver Licence, Members **RESOLVED** to revoke the licence. Whilst considering the evidence before them the Committee took into account the professional view and guidance provided by the Oasis Centre Manager, the Safeguarding Co-ordinator and South Wales Police. Committee expressed concern over the number of serious events which had required formal investigation over a five year period and of the type of behaviour displayed by Mr GD of Pontypridd. Committee was mindful that such was the severity of the risks posed by the Licensee to members of the public that it was deemed necessary to hold a Professional Strategy Safeguarding meeting by a number of multi agency partners. This meeting had resulted in the immediate suspension of the Joint Hackney Carriage/Private Hire Vehicle Driver Licence of Mr GD. Members specifically took into consideration the antecedent history associated with the Licensee and also 14.1 and 14.2 of the Policy of Guidance on Relevance of Convictions when reaching their decision to revoke.

Committee expressed its gratitude to all the officers present who had provided their valuable professional advice and guidance.

60. ENFORCEMENT SUMMARY

The Service Director, Public Health & Protection presented his report outlining the most recent activity relating to the taxi trade, enforcement activity and prosecution updates for the period 12th January 2016 to the 29th February 2016.

Following presentation of his 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 and Protection provided a summary of Licences and/or Registrations issued under provisions of Delegated Authority for the period 21st December 2015 to the 21st February 2016 and it was **RESOLVED** to note the report.

A. S. Fox
Chairman

The meeting closed at 4.50pm