

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, 12th April 2016 at 5:00pm.

PRESENT

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

County Borough Councillors

(Mrs) T. A. Bates	I. Pearce
S. A. Bradwick	B. Morgan
(Mrs) J. Cass	S. Powderhill
(Mrs) S. J. Jones	G. Smith
(Mrs) C. Leyshon	(Mrs) M. Tegg
C. J. Middle	L. Walker

Officers in Attendance:

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

62. APOLOGIES FOR ABSENCE

An apology for absence was received from County Borough Councillor E. Webster and T. Williams

63. DECLARATIONS OF INTEREST

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

64. 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.

65. MINUTES

RESOLVED to approve as an accurate record the minutes of the meeting of the Licensing Committee held on the 8th March 2016.

66. MATTERS ARISING

A concern was expressed by a member of the Licensing Committee in relation to the number of taxis congregating along Taff Street in Pontypridd which is causing congestion for local traffic. In particular the concern related to the number of taxis from outside the County Borough.

The Service Director Public Health & Protection acknowledged the concerns and in particular the issue of non resident applications for licences which has also been an issue for discussion at this committee. The Service Director assured Committee that the Council is working closely with the taxi trade and referred to the successful introduction of Taxi Marshalls in the town on weekends and to the introduction of the BTEC qualification. The Service Director stated that the Council maintains very high standards which are rigorously applied by the staff in the Licensing Department and as such is still considering the implementation of a knowledge test. Assurance was given to Committee that all the issues raised would be given due consideration and reported back at a future meeting.

Another separate issue in respect of the taxi trade in Aberdare was also raised and discussed.

67. WELCOME

The Chairman extended a welcome to the Group Director Community & Children's Services and to the Adult Protection Officer.

68. 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 22nd February 2016 to 20th March 2016. Following consideration of the report it was **RESOLVED** to note the content.

69. 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

70. 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 renewal of a Hackney Carriage/Private Hire Vehicle Driver Licence and one application for a review of Hackney Carriage/Private hire Vehicle Driver Licence both of which required Members' determination.

1. In accordance with adopted procedures Committee received Mr BJR of Llanharry who was before Members of the Committee so that his application for the renewal of a Hackney Carriage/Private Hire Vehicle Driver Licence could be considered.

The Licensee confirmed that the details of the offences recorded against him were correct and outlined the circumstances surrounding the convictions as set out at 1.1 and 1.2 of the report. Following consideration of the oral and written evidence it was **RESOLVED** to allow the licence for a Hackney Carriage/Private Hire Vehicle Driver Licence to continue subject to the usual terms and conditions; with a 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)

Members also commented upon the number of drivers from one particular Operator who Members had recently had cause to determine.

2. Committee was informed that Mrs JLS of Gelli, Pentre was not in attendance to present herself before Committee and no formal notification of her absence has been received by the Licensing Department.

The Service Director Public Health & Protection advised that should members of the Committee feel that such is their concern in respect of the behaviour of the licensee that determination of the review of the Joint Hackney Carriage/Private Hire Vehicle Driver Licence of Mrs JLS of Gelli, Pentre could be considered in light of issues raised following a Vulnerable Adults Safeguarding meeting on the 7th January 2016.

The Adult Safeguarding Officer apprised Committee of the background to the review and outlined the initial concerns raised by Social Workers regarding the behaviour of the Licensee which were referred to the Cwm Taf Multi Agency Safeguarding Hub (MASH) in the first instance. Committee was informed that to date no criminal investigation has been undertaken in respect of the Licensee, however, based on the findings of the Adult Protection Board and the potential risks posed by the Licensee

to members of the public, Committee **RESOLVED** that there was sufficient evidence to determine the application in her absence.

Following deliberation as to whether Mrs JLS of Gelli, Pentre was a fit and proper person to hold a Hackney Carriage/Private Hire Vehicle Driver Licence, Members **RESOLVED** to revoke the licence with immediate effect in the interests of public safety. Whilst reaching their decision to revoke the licence, Members were particularly mindful of the evidence and professional advice provided by the Adult Safeguarding Officer and of the duty of care for public safety assigned to them as a Licensing Committee.

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

71. ENFORCEMENT SUMMARY

The Service Director, Public Health & Protection presented his report outlining the most recent activity relating to the taxi trade, complaint led enforcement activity and prosecution updates for the period 22nd February 2016 to the 20th March 2016. Following presentation of his report it was **RESOLVED** to note the content which had been provided for information only.

72. 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 22nd February 2016 to the 20th March 2016 and it was **RESOLVED** to note the report.

A. S. Fox
Chairman

The meeting closed at 5.40pm