

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, 7th June 2016 at 5:00pm.

PRESENT

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

County Borough Councillors

J. Bunnage	G. Smith
S. A. Bradwick	L. G. Walker
(Mrs) J. Cass	E. Webster
(Mrs) S. J. Jones	C. J. Williams
B. Morgan	W. Weeks
I. Pearce	T. Williams

Officers in Attendance:

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

Mrs R. Smith – Solicitor

Mr L. Morgan – Assistant Licensing Manager

1. APOLOGIES FOR ABSENCE

An apology for absence was received from County Borough Councillors K. Montague and S. Powderhill

2. DECLARATIONS OF INTEREST

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

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 12th April 2016.

5. ANNOUNCEMENT

The Service Director, Public Health & Protection reminded Committee that Mr Andrew Mallin, Community Safety & Licensing Manager has since left the Authority to take up post with Bristol City Council. Members of the Licensing Committee requested that a letter is sent from the Chair, on behalf of the Committee, to wish Mr Mallin the very best for the future with thanks for his contribution to the work of the Licensing Committee.

6. WELCOME

The Chairman extended a welcome to the new Members of the Licensing Committee and to the Council's Vulnerable Adult Protection Officer.

7. 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 March 2016 to the 22nd May 2016. Following consideration of the report it was **RESOLVED** to note the content.

8. INTRODUCTION OF 'INTENDED USE/REMOTE TRADING POLICY' FOR HACKNEY CARRIAGES

The Service Director Public Health & Protection presented his report in respect of the outcome of the trade consultation in relation to the proposed implementation of an Intended Use/Remote Trading Policy. It was clarified that the report would also include the response from the Service Director Public Health & Protection.

Committee was reminded of the outcome of the meeting held on the 20th October 2015 when Members resolved to note the proposal of the Service Director Public Health & Protection to undertake a short consultation with the licensed trade on the draft policy. Details were provided as to how the trade consultation was undertaken and it was confirmed that there had been no written responses received in reply to the consultation process.

The Service Director Public Health & Protection advised that in view of the lack of trade consultation responses, the Intended Use policy be added to the vehicle specification/conditions of licence as set out at Appendix 1C of the report. He added that this would support Members in their decision to refuse those applications from persons who intend to trade outside of Rhondda Cynon Taf County Borough Council (with specific regard to item 25.1 within Appendix 1C).

In conclusion following consideration of the report it was **RESOLVED** to:

1. Note that Consultation was conducted with the trade, which resulted in no written comments being received

2. Commend the policy identified as Appendix 1C to the Executive for adoption and implementation as soon as possible

9. 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

10. 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 Mrs CTP of Porth who was before Members so that her application for the renewal of a Hackney Carriage/Private Hire Vehicle Driver Licence could be considered.

With the permission of the Chair the Service Director Public Health & Protection read aloud from a letter written by Mrs CTP explaining the circumstances surrounding her most recent conviction. 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)

2. In accordance with adopted procedures Committee received Mr SJG of Rhydyfelin who appeared before Members so that a review of his Hackney Carriage/Private Hire Vehicle Driver Licence could be undertaken following the suspension of his Joint Hackney Carriage/Private Hire Vehicle Driver Licence as a result of a serious

allegation made against him. Committee was also informed that the Licensing Department had expressed concern that the Licensee could be using his vehicle for the purposes of hire and reward (which was later confirmed following a test purchase).

The Licensee confirmed the personal details were correct and introduced the person in attendance with him as his friend and colleague.

The Adult Safeguarding Officer present at Committee outlined the sequence of events which led to the suspension of the licence and subsequently to the conclusion of the multi agencies present at the Protection of Vulnerable Adults (POVA) outcome meeting. Committee was advised that there had been a criminal investigation undertaken in respect of the Licensee, however no criminal proceedings had been brought against him. The conclusions of the POVA meeting had brought about serious concerns in relation to the potential risks posed by the Licensee to members of the public in his role as a licensed taxi driver.

The South Wales Police Officer present concurred with the conclusions of the POVA outcome meeting.

Following deliberation as to whether Mr SJG is 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 as a result of the findings of the POVA outcome meeting. Committee also expressed concern that Mr SJG of Rhydyfelin had committed offences contrary to the Local Government (Miscellaneous Provisions) Act 1976 for use/operation of an unlicensed vehicle and therefore is in breach of his driver licence suspension

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 South Wales Police and of the duty of care for public safety assigned to them as a Licensing Committee. They also had particular regard to the Policy of Guidance on relevance of convictions, item 1.2 (general provisions) and 14 (non-conviction information) whilst determining the review.

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

11. 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 21st March to the 27th May 2016. Following presentation of his report it was **RESOLVED** to note the content which had been provided for information only.

12. 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 March 2016 to the 22nd May 2016 and it was **RESOLVED** to note the report.

A. S. Fox
Chairman

The meeting closed at 6.15pm