

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, 13th September 2016 at 5:00pm.

PRESENT

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

County Borough Councillors

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

Officers in Attendance:

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

24. APOLOGIES FOR ABSENCE

An apology for absence was received from County Borough Councillors K. Montague, S. Powderhill, L. G. Walker and W. D. Weeks.

25. DECLARATIONS OF INTEREST

RESOLVED - In accordance with the Code of Conduct, there were no personal declarations of interests made, pertaining to the agenda.

26. 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.

27. CHAIRMAN'S REMARKS

The Chairman thanked Licensing Officers for arranging the training session which had been undertaken by Members of the Licensing Committee on the 26th July 2016. Committee agreed that the training had been very informative.

28. MINUTES

RESOLVED to approve as an accurate record the minutes of the meeting of the Licensing Committee held on the 13th July 2016.

29. 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 27th June 2016 to the 21st August 2016. Following consideration of the report it was **RESOLVED** to note the content.

30. 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

31. 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 & Protection set out the details of two applications for the Grant of a 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.

It was agreed to consider the agenda out of sequence as Mr MSQ of Cardiff was not yet in attendance.

1. In accordance with adopted procedures Committee received Mr NBB of Ferndale, who was before Members of the Committee so that a review of his 'Fit & Proper Person' criteria could be undertaken by the Licensing Committee. The Service Director, Public Health & Protection presented his report to Committee which had been initiated following an incident of inconsiderate driving on the 21st July 2016. The incident had been captured on CCTV by a motorist which Members were invited to view at the meeting.

Mr NBB of Ferndale confirmed the details within the report were correct and proceeded to outline the circumstances surrounding the incident. Members of the Licensing Committee took the opportunity to view the CCTV footage which confirmed that the vehicle involved in the incident was registered to Mr NBB of Ferndale. The Committee also received the views of the South Wales Police representative, who was present at the meeting, in respect of the case before them.

Following consideration of the evidence before them, including information circulated at the meeting, committee **RESOLVED** to allow the licence to continue with a warning, together with the requirement for Mr NBB of Ferndale to obtain the BTEC Level 2 Certificate Transporting Passengers for Hire & Reward within a period of 2 months.

(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 MSQ of Cardiff who was now in attendance so that his application for the Grant of Hackney Carriage/Private Hire Vehicle Driver Licence could be given due consideration.

Mr MSQ confirmed the details within the report were correct and he outlined the circumstances surrounding the offences for the benefit of Committee. The applicant also responded to questions posed by the Service Director Public Health & Protection and Members of the Committee in respect of his most recent convictions.

With the permission of the Chairman, the Service Director, Public Health & Protection read aloud from a number of references, including a character reference from a previous employer, submitted by the applicant in support of his application.

Following consideration of the evidence before them, Committee **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 MSQ of Cardiff did not meet the fit and proper criteria required to hold a Hackney Carriage/Private Hire Vehicle Drivers Licence with particular regard to section 9.2 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.

3. Pursuant to the meeting held on the 19th January 2016 (Minute No.21 refers), when Committee resolved to defer determination of the application of Mr MA of Tonypandy as his Disclosure and Barring Service (DBS) check had not yet been completed, the Service Director Public Health & Protection presented his report for the application of the Grant of Hackney Carriage Vehicle Licence of Mr MA of Tonypandy. He advised that the

DBS check dated the 11th August 2016 detailed that the applicant is free of conviction.

In accordance with adopted procedures, Committee received Mr MA of Tonypandy who was in attendance with his representative and proceeded to confirm that the personal details within the report were correct. The Service Director Public Health & Protection explained that consideration would be given to the complaint history set out within the report, which highlights the 15 separate complaints made against the applicant, with particular regard to the Licensing Committee report of the 13th July 2016, when Members resolved to revoke the Joint Hackney Carriage/Private Hire Vehicle Driver licence with immediate effect and to revoke the current vehicle licence.

During the course of the proceedings, the applicant's representative was reminded of the Local Authority's Licensing Committee procedures when considering licensing applications.

Members of the Committee were provided with the opportunity to view two separate excerpts of CCTV footage which highlighted the impact of the Applicant's conduct upon the safety of members of the public and upon the surrounding area.

The South Wales Police Licensing Officer present provided his views on the application and referred Members of the Committee to the original representations and concerns of South Wales Police set out within the report. The Officer reiterated that the frequency and number of incidents reported by the applicant himself to the Police (14 in total) had raised concerns in respect of his fit and proper person criteria.

The applicant's representative was provided with the opportunity to present his submissions in respect of the concerns raised. In conclusion and with the permission of the Chairman the Service Director, Public Health & Protection read aloud from 9 references submitted by the applicant in support of his application.

Following consideration of the evidence before them, both oral and written and in taking on board the 15 separate complaints against the applicant and 14 complaints made by the applicant to South Wales Police, Committee **RESOLVED** to refuse the application for the grant of Hackney Carriage Vehicle Licence for Mr MA of Tonypandy. Committee considered that the applicant did not meet the fit and proper criteria required to hold a Hackney Carriage/Private Hire Vehicle Driver Licence in view of the details of the complaints made against him and the number of complaints made by the applicant himself, which was of particular concern to South Wales Police. Committee also had regard to 1.1 and 1.2 of the Policy of Guidance on relevance of convictions, guidance on the criteria taken into account when considering the 'fit and proper person criteria'. In addition Committee were mindful of their duty of care with regard to the safety of the travelling public when reaching their decision to refuse.

32. ENFORCEMENT SUMMARY

The Service Director, Public Health & Protection presented his report outlining the most recent activity relating to enforcement activity, including prosecution updates for the period 2nd July 2016 to the 2nd September 2016. Following consideration of the report it was **RESOLVED** to note the content which had been provided for information only.

33. SUMMARY OF LICENCES ISSUED UNDER PROVISION OF DELEGATED AUTHORITY

In his report the Service Director, Public Health & Protection provided a summary of Licences and/or Registrations issued under provisions of Delegated Authority for the period 27th June 2016 to the 21st August 2016 and it was **RESOLVED** to note the report.

A. S. Fox
Chairman

The meeting closed at 7.45pm