

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, 27th June 2017 at 5:00pm.

PRESENT

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

County Borough Councillors

S. A. Bradwick	S. Powderhill
A. Cox	E. Webster
M. Diamond	D. Williams
W. Lewis	T. Williams
S. Morgans	

Officers in Attendance:

Mr P J Mee - Service Director, Public Health & Protection
Mr P. Nicholls –Head of Legal – Litigation, Planning & Environment,
Community & Children’s Services
Mr G. Black – Community Safety & Licensing Manager
Mr L. Morgan – Assistant Licensing Manager
Mr R. Waters - Service Director Highways & Streetcare Services

1. APOLOGIES FOR ABSENCE

An apology for absence was received from County Borough Councillor L. Jones.

2. DECLARATIONS OF INTEREST

RESOLVED – In accordance with the Code of Conduct, the following declarations of personal interests pertaining to the agenda were made:-

1. County Borough Councillor S. Powderhill in relation to Agenda item 6 (1)– Applications for Licensing and/or Registration –‘I know the Applicant’- This is also a prejudicial interest and I shall leave the meeting for the duration of the meeting’.

(A further three declarations were made later in the meeting to which Minute No’s 11(1) and (3) refer).

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. WELCOME

The Chair extended a welcome to those new Members of the Licensing Committee.

5. MINUTES

RESOLVED to approve as an accurate record the minutes of the meeting of the Licensing Committee held on the 7th March 2017.

6. 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 February 2017 to 11th June 2017.

Following consideration of the report it was **RESOLVED** to note the content.

7. 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

8. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION AND RENEWAL OF HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER LICENCES

In his report the Service Director, Public Health & Protection set out the details of six applications, four for the Grant of a Hackney Carriage/Private Hire Vehicle Driver Licence and two applications were before Committee for the review of Hackney Carriage/Private Hire Vehicle Driver Licence.

It was agreed to consider the agenda out of sequence to allow those applicants not yet in attendance sufficient time to arrive.

(**Note:** Having previously declared a personal and prejudicial interest in the next item (Minute No.2 (1) above refers), County Borough Councillor S. Powderhill left the meeting at this point in the proceedings).

1. Pursuant to the meeting held on the 7th March 2017 (Minute No.59 (5) refers), when Committee resolved to defer determination of the application of Mr SJS of Pontypridd at the request of the Licensee, the Service Director Public Health & Protection presented his report for the review of the Grant of Hackney Carriage Vehicle Licence.

It was **RESOLVED** to grant the licence with a warning in respect of future activity; and a requirement 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 Members received Mr ZH of Cardiff whose application for the Grant of a Hackney Carriage/Private Hire Vehicle Driver Licence was before Committee.

The person in attendance with the Applicant introduced himself as a friend in support of Mr ZH of Cardiff.

Committee **RESOLVED** to refuse the application of Mr ZH of Cardiff as it considered that the Applicant did not meet the fit and proper person criteria required to hold a Hackney Carriage/Private Hire Vehicle Drivers Licence.

3. In accordance with adopted procedures Committee received Mr GAP of Cardiff to consider his application for the Grant of a Hackney Carriage/Private Hire Vehicle Driver Licence.

The person in attendance with Mr GAP introduced himself as the Applicant's representative.

Following consideration of the information before them in addition to the supplementary information supplied by the Applicant at the meeting, Committee **RESOLVED** to refuse the application of Mr GAP of Cardiff as it considered that the Applicant did not meet the fit and proper person criteria required to hold a Hackney Carriage/Private Hire Vehicle Drivers Licence

4. In accordance with adopted procedures, Committee received Mr CQAA of Cardiff so that his application for the grant of a Hackney Carriage/Private Hire Vehicle Driver Licence could be considered.

It was **RESOLVED** to refuse the application of Mr CQAA of Cardiff as it considered that the Applicant did not meet the fit and proper person criteria required to hold a Hackney Carriage/Private Hire Vehicle Driver Licence.

5. It was announced that Mr MAM of Cardiff had informed the Licensing Committee that he would not be in attendance due to a prior commitment. It was therefore **RESOLVED** to defer determination of the matter to the next appropriate meeting, to afford the Licensee the opportunity to present himself before Committee. However, failure to attend on the second occasion would result in the review being determined in his absence.
6. The Chairman advised that Mr RL of Pentre was not present for the second opportunity to address Committee in support of his review. As such, Members **RESOLVED** to refuse the licence, as they were of the opinion that he was not a fit and proper person to hold such a Licence and in view of the fact that he had failed to present himself for a second time to Members to afford them the opportunity of determining the application before them.

9. ENFORCEMENT SUMMARY

The Service Director, Public Health & Protection presented his report outlining the most recent activity relating to enforcement activity, including any prosecution and appeals updates for the period 24th February 2017 to the 16th June 2017. Following consideration of the report it was **RESOLVED** to note the content which had been provided for information only.

10. 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 March 2017 to the 11th June 2017 and it was **RESOLVED** to note the report.

11. REPORT OF THE SERVICE DIRECTOR HIGHWAYS & STREETCARE SERVICES CONTAINING EXEMPT INFORMATION

In his report the Service Director Highways & Streetcare Services set out the details of three applications for clearance for use as Transport Contract personnel on schools, community services and associated contracts for transport.

(Note: On receiving Mr JBW of Pentre together with his employer, County Borough Councillor S. Powderhill and County Borough Councillor E. Webster informed Committee that they wished to declare a personal and prejudicial interest as they knew both the applicant and the person in attendance. Accordingly, County Borough Councillor S. Powderhill and County Borough Councillor E. Webster left the meeting for the duration of the application).

- 1) In accordance with adopted procedures, Committee received Mr JBW of Pentre so that his appeal for use as Contract Transport Personnel could be considered. Mr JBW of Pentre was in attendance with his employer.

Following consideration of the evidence before them it was **RESOLVED** to refuse the appeal and confirm Mr JBW of Pentre is unsuitable for use as Contract Transport Personnel.

- 2) Committee received Mr SJP of Porth so that his appeal for use as Contract Transport Personnel could be considered.

Following consideration of the report and evidence before them, it was **RESOLVED** to grant the appeal and clear Mr SJP of Porth for use as Contract Transport Personnel.

- 3) In accordance with adopted procedures, Committee received Mr JLR of Ferndale so that his appeal for use as Contract Transport Personnel could be considered. Mr JLR was in attendance with his father.

(Note: On receiving Mr JLR of Ferndale, County Borough Councillor S. Morgans informed Committee that she wished to declare a personal and prejudicial interest as she knew family. Accordingly, County Borough Councillor S. Morgans left the meeting for the duration of the application).

In conclusion it was **RESOLVED** to refuse the appeal and confirm Mr JLR of Ferndale is unsuitable for use as Contract Transport Personnel.

A. S. Fox
Chairman

The meeting closed at 7.50pm

These Minutes are subject to approval at the next appropriate meeting.

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