



## **RHONDDA CYNON TAF COUNCIL LICENSING COMMITTEE**

Minutes of the meeting of the Licensing Committee held on Monday, 29 July 2019 at 5.00 pm at the Council Chamber, The Pavilions, Cambrian Park. Clydach Vale, Tonypany, CF40 2XX.

### **County Borough Councillors - Licensing Committee Members in attendance:-**

Councillor A Fox (Chair)

Councillor D Williams	Councillor S Bradwick
Councillor S Powderhill	Councillor T Williams
Councillor W Lewis	Councillor S Morgans
Councillor A Cox	Councillor P Howe

### **Officers in attendance:-**

Ms L Davies, Service Director – Public Protection Services  
Mr P Nicholls, Service Director, Legal Services  
Ms R Hope, Health Protection and Licensing Service Manager  
Mr M Owen, Assistant Licensing Manager  
Mr N Evans, Licensing Enforcement Officer  
Ms M Richards, Licensing Officer  
PC Whittle - South Wales Police

#### **10 APOLOGIES FOR ABSENCE**

Apologies for absence were received from County Borough Councillors E. Webster and M. Diamond.

#### **11 DECLARATION OF INTEREST**

In accordance with the Council's Code of Conduct, County Borough Councillor A. Cox made the following declaration of personal and prejudicial interest in respect of Agenda Item 7.1 – Applications for Licensing and/or Registration 'The applicant is well known to me, therefore I will leave the meeting whilst it is being discussed'.

#### **12 HUMAN RIGHTS ACT AND CRIME AND DISORDER ACT**

It was **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.

#### **13 MINUTES**

It was **RESOLVED** to approve the minutes of the 11<sup>th</sup> June 2019 as an accurate reflection of the meeting.

**14 TO CONSIDER THE LICENCES & REGISTRATIONS ISSUED UNDER THE PROVISION OF DELEGATED POWERS FOR THE PERIOD: 27.05.19 - 14.07.19**

The Service Director, Public Protection presented Members with details of licences and registrations issued during the period 27<sup>th</sup> May 2019 and 14<sup>th</sup> July 2019 and it was **RESOLVED** to acknowledge the update.

**15 DETERMINING THE SUITABILITY OF APPLICANTS AND LICENSEES IN THE HACKNEY AND PRIVATE HIRE TRADES**

The Service Director, Public Protection presented the report, which sought to inform the Committee of the newly published 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades'. The Guidance was produced and published by the Institute of Licensing with a recommendation for the current 'Policy of Guidance on Convictions and Cautions for Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators' to be amended to incorporate the recommendations contained within the new guidance.

Members were referred to Section 3.10 of the report, where the main changes to the Guidance was outlined:

- 1) Adherence to the amended published guidance on 'determining the suitability of applicants and licensees in the hackney and private hire trades';
- 2) The removal of specific offences, to include a more generic approach to offence types as advocated by the IOL guidance.
- 3) More robust & stringent relevant time periods for consideration following conviction;
- 4) The 'bright line' approach in which the licensing authority state 'must' or 'never', though reminding that this is only a policy and not a statutory decision, and can therefore be departed from; and
- 5) Inclusion of the National Refusal and Revocation Register (NR3), the adoption of which has been advocated by the 'All Wales Licensing Expert Panel', as well as the IOL.

Members acknowledged that RCT has a comprehensive guidance and sought clarification that only the higher standards would be adopted, to which the Service Director confirmed would be the case. Members discussed the current Scheme of Delegation that would underpin implementation of the Policy guidance and agreed that the process for determining whether a licence should be revoked would be reviewed and strengthened to incorporate consultation with the Chair or Vice Chair of Committee. The Service Director confirmed that the revision to the Scheme of Delegation be incorporated into the revised Policy.

The Committee were pleased with the new guidance and it was **RESOLVED**:

- a) To accept the changes to the Policy Guidance; and
- b) To recommend the changes to Cabinet for approval with a further recommendation that the new Policy be implemented as soon as practicable.

**16 TO CONSIDER PASSING THE FOLLOWING RESOLUTION:**

It was **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 13 of Part 4 of Schedule 12A of the Act.

**17 TO CONSIDER THE FOLLOWING APPLICATIONS FOR LICENSING AND/OR REGISTRATION:**

**(Note:** Having earlier declared an interest in Item 7.1 (Minute No. 11), County Borough Councillor A. Cox left the meeting)

- (1) The Service Director, Public Protection set out details of the following application for the grant of a Hackney Carriage/Private Hire Vehicle Driver Licence.

In accordance with adopted procedures, Members received Mr SRLW of Porth whose application for grant of a Hackney Carriage/Private Hire Vehicle Driver Licence was before Committee.

Following consideration of the report and the evidence before them, the Committee **RESOLVED** to grant the application, subject to the usual standard terms and conditions, with a warning in respect of future activity.

**(Note:** Prior to the Applicant leaving, the Chairman emphasised the need to have due regard to the warning issued by the Committee as failure to do so, may affect the determination of future applications.)

**(Note:** At this point in proceedings, County Borough Councillor A. Cox returned to the meeting)

- (2) The Service Director, Public Protection set out details of the following application for the grant of a Hackney Carriage/Private Hire Vehicle Driver Licence.

In accordance with adopted procedures, Members received Mr RJ of Porth whose application for grant of a Hackney Carriage/Private Hire Vehicle Driver Licence was before Committee.

Following consideration of the report and the evidence before them, the Committee **RESOLVED** to grant the application, subject to the usual standard terms and conditions, with a warning in respect of future activity.

**(Note:** Prior to the Applicant leaving, the Chairman emphasised the need to have due regard to the warning issued by the Committee as failure to do so, may affect the determination of future applications.)

- (3) The Service Director, Public Protection set out details of the following application for the review of a Joint Hackney Carriage/Private Hire Vehicle Driver Licence.

In accordance with adopted procedures, Members received Mr DJT of Pentre whose application for review of a Joint Hackney Carriage/Private

Hire Vehicle Driver Licence was before Committee.

Following consideration of the report and the evidence before them, the Committee **RESOLVED** to allow the licence to continue, with a warning in respect of future activity.

(**Note:** Prior to the Applicant leaving, the Chairman emphasised the need to have due regard to the warning issued by the Committee as failure to do so, may affect the determination of future applications.)

- (4) The Service Director, Public Protection set out details of the following application for the review of a Joint Hackney Carriage/Private Hire Vehicle Driver Licence.

In accordance with adopted procedures, Members received Mr EMO of Cardiff whose application for review of a Joint Hackney Carriage/Private Hire Vehicle Driver Licence was before Committee.

Following consideration of the report and the evidence before them, the Committee **RESOLVED** to revoke the licence with immediate effect on the basis that Mr EMO had failed to satisfy the 'fit and proper' person criteria required in order to hold a Hackney Carriage/Private Hire Vehicle Licence.

**18 ENFORCEMENT SUMMARY (INCLUDING APPEAL/PROSECUTION DATA) FOR THE PERIOD: 01.06.2019 - 20.07.19**

The Service Director, Public Protection provided Members with the report outlining the most recent enforcement activity, including any prosecution and appeals updates for the period 1<sup>st</sup> June 2019 and 20<sup>th</sup> July 2019.

One Member wished to place on record, his thanks to the department for acting when Members relay their concerns.

The Committee **RESOLVED** to acknowledge the update.

**19 SUMMARY OF LICENCES ISSUED UNDER PROVISION OF DELEGATED AUTHORITY FOR THE PERIOD: 27.05.19 - 14.07.19**

The Service Director, Public Protection provided Members with the report outlining the Licences and/or Registrations issued under provisions of Delegated Authority for the period 27<sup>th</sup> May 2019 and 14<sup>th</sup> July 2019.

The Committee **RESOLVED** to acknowledge the update.

**This meeting closed at 6.50 pm**

**CLLR A FOX  
CHAIR.**