

PUBLIC PROTECTION LICENSING COMMITTEE

Minutes of a Remote meeting held on 15th December, 2020.

The Committee agenda is available [here](#).

Present: Councillor J.W. Thomas (Chairman); Councillor O. Griffiths (Vice-Chairman); Councillors Ms. J. Aviet, R. Crowley, Mrs. P. Drake, V.P. Driscoll, K.F. McCaffer, Mrs. A. Moore, Mrs. J.M. Norman, Mrs. R. Nugent-Finn, S.T. William and Mrs. M.R. Wilkinson.

284 ANNOUNCEMENTS –

At the start of the meeting the Chairman advised all present that the meeting would be recorded and uploaded to the Council's website following the meeting.

285 APOLOGY FOR ABSENCE –

This was received from Councillor Mrs. J.E. Charles.

286 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 10th November, 2020 be approved as a correct record.

287 DECLARATIONS OF INTEREST –

Councillor Mrs. A. Moore declared a personal interest relating to Agenda Item 7, advising of a conflict of interest in respect of a relationship of trust between herself and an individual who had submitted a representation relating to the Applicant. The Councillor disconnected from and vacated the meeting before the Agenda Item was discussed.

288 ADOPTION OF THE NATIONAL REGISTER OF TAXI LICENCE REVOCATIONS AND REFUSALS (NR3) (DEH) –

The Licensing Policy Officer presented the report which advised Members of the outcome of a consultation undertaken with taxi trade representatives regarding the adoption of the NR3 register, which Committee had approved at a meeting held on 12th February, 2020, and sought approval to participate in the NR3 initiative and for the approval of a policy to cover the use of NR3.

The Officer advised Members that the Local Government Association (LGA) had commissioned the development of The National Register of Taxi Licence Revocations and Refusals (NR3), which was a mechanism for licensing authorities to

share details of individuals who have had a hackney carriage/private hire driver's licence revoked, or an application for one refused and was hosted by National Anti-Fraud Network (NAFN). The NAFN and LGA guidance on the use and adoption of the NR3 register was detailed at Appendix A to the report, together with a draft policy at Appendix B.

Following Committee's decision in February, 2020, a three week consultation was undertaken wherein details of the report were sent to representatives of the taxi trade inviting any comments on the adoption of the NR3 register. During the consultation period a response was received from the Vale Taxi Association who voiced their support on the adoption of the NR3 Register, stating; "we should join this scheme and any other scheme that makes it easier to keep the wrong ones out, making things safer for the passengers of the Vale to travel in Licensed Vehicles."

With Members having fully considered the report it was subsequently

RESOLVED – T H A T participation in the NR3 initiative and the draft policy attached at Appendix B be approved.

Reason for decision

To ensure that applicants for taxi and private hire vehicle driver licences meet the 'fit and proper' criteria and to support public safety.

289 APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE LICENCE IN RESPECT OF A VEHICLE OUTSIDE VALE OF GLAMORGAN COUNCIL'S AGE POLICY GUIDELINES (DEH) –

The Licensing Team Manager presented the report which asked Members to consider an application made by Vale Rentals Ltd for a Hackney Carriage Licence for Toyota Avensis, MT12 FYX, which fell outside the current policy guidelines for the grant of a Hackney Carriage licence, and to consider the assessment of the vehicle and whether there were exceptional circumstances to waive the age policy guidelines in place requiring vehicles to be under 6 years old at first licensing.

On 19th February 2020 the licence for the vehicle was suspended under Section 60 of The Local Government (Miscellaneous Provisions) Act, the proprietor having reported that the vehicle had been damaged in an accident. The above-mentioned suspension remained in place as the Council received no indication that the vehicle was roadworthy. The Hackney Carriage licence expired on 18th May, 2020 and no application to renew was submitted.

On 15th September, 2020, the vehicle was presented for testing at the Alps Depot and the proprietor was advised that, although a test had been conducted, he would need to make application for the Grant of a licence. On 13th October 2020 an application was submitted and, as this was the grant of a licence, the vehicle had to be under 6 years old. This vehicle was 8 years and 4 months at the time of the

application, and Officers did not have the delegated power to approve applications outside the policy guidelines.

On three occasions the vehicle was presented for testing and failed, and details of each assessment were attached at Appendices A, B and C to the report. On the third occasion many faults identified during the previous test had still been apparent, and a mechanic had contacted the Licensing Authority to express concern regarding the condition of the vehicle and that there was a question as to whether this vehicle could meet the required standard, an opinion endorsed by the Fleet Manager, Neighbourhood Services and Transport.

The Officer and the Assistant Democratic Services Officer confirmed that the proprietor of Vale Rentals Ltd had been offered the opportunity to attend the meeting and provide representations regarding the application, but had indicated that he did not intend to participate in the hearing and was happy for Committee to consider the application in his absence.

Members expressed grave concern regarding the vehicle's poor condition and apparent lack of maintenance, noting that it was highly unusual for a mechanic to contact the Licensing Authority of their own volition, and while this demonstrated good practice on the part of the mechanic it also emphasised the severity of the matter under consideration.

The Chairman stated that it was the responsibility of the applicant to demonstrate to Committee that their vehicle was fit to be licensed, and there being no representation made by the applicant for Members to consider, it was subsequently

RESOLVED – T H A T the request to waive the Vale of Glamorgan Council's Age Policy Guidelines in respect of the Hackney Carriage Vehicle Licence Application for a Toyota Avensis, MT12 FYX be refused having had regard to Section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

Reason for decision

The Committee had regard to the facts presented by the Officer and the guidelines in the Council's Age Policy.

290 EXCLUSION OF PRESS AND PUBLIC -

RESOLVED - T H A T under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 4 of Schedule 12A (as amended) of the Act, the relevant paragraphs of the Schedule being referred to in brackets after the minute heading.

291 DISCIPLINARY FOR EXISTING DRIVER – L (DEH) (EXEMPT INFORMATION – PARAGRAPHS 12, 13 AND 14) –

Committee was requested to determine whether L was a fit and proper person to hold Vale of Glamorgan Hackney Carriage and Private Hire Vehicle Driver Licences. L was present in support of the application and was accompanied by a Trade Union representative. The Principal Lawyer advised L and his representative of the procedure that would be followed during the disciplinary hearing.

The Licensing Team Manager advised that the matter had previously been referred to the Public Protection Licensing Committee on 10th November, 2020, however Committee had resolved to adjourn the matter to enable L to seek representation.

The Officer summarized the report which provided detail regarding the events surrounding a previous revocation of L's licenses, the subsequent granting of his current licenses, and more recent events which had led to L having been reported to Committee for a disciplinary hearing. The more recent incidents included L's vehicle and a vehicle registered to his company having failed testing upon multiple presentations to the Alps Garage, and a failure to disclose to the Licensing Authority receipt of penalty points for a speeding offence. Evidence regarding these events were appended to the report.

Following the Officer's presentation of the report, the Chairman invited L and his representative to address Committee and make a verbal representation regarding the events described in the report. L wished to clarify whether Members had received a letter submitted in support of his case by a garage he regularly attended for maintenance of his vehicles, and the Chairman confirmed that these had been included in the papers circulated to Members in respect of the 10th November meeting date, and would therefore be taken into consideration.

Members of the Committee questioned L in relation to the content of his representation and the report and sought clarity on a number of current and historical matters. Following this, L, his representative and the Licensing Team Manager disconnected from and vacated the meeting, and the Committee deliberated the matter in private.

Following the Committee's deliberations, all parties reconnected to the meeting in order to be advised of the Committee's decision.

RESOLVED – T H A T L's Vale of Glamorgan Hackney Carriage and Private Hire Vehicle Driver Licences be suspended for a period of six weeks from the date of the Committee meeting.

Reason for decision

To ensure decisions of Licensing Authority decisions are consistent with the adopted Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades and to ensure that L is reminded of his responsibility to maintain awareness of and abide by all conditions subject to the terms of his licences.