

PUBLIC PROTECTION LICENCING COMMITTEE

Minutes of a remote meeting held on 16th December, 2021.

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

Present: Councillor – J.W. Thomas (Chair), P. Drake (Vice), J. Aviet, R. Crowley, V.P. Driscoll, R. Nugent-Finn K.F. McCaffer, A. Moore, J.M. Norman and M.R. Wilkinson.

671 APOLOGY FOR ABSENCE –

This was received from Councillor J.E. Charles

672 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 16th November, 2021 be approved as a correct record.

673 DECLARATIONS OF INTEREST –

No declarations of interest were received.

674 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.

675 REPORT FOR NOTING FOR DRIVER Z (DEH) (EXEMPT INFORMATION – PARAGRAPHS 12, 13 AND 14) -

The purpose of the report was to note the information received in relation to a Police investigation.

The Licensing Team Manager began by advising the Committee that Z had held Hackney Carriage/Private Hire Vehicle Driver's licences since 2017.

On 1st November, 2019 the Council was notified of Z's arrest in connection with allegations of fraudulently obtaining money from a 91 year old female by impersonating a member of the National Crime Agency. The matter was reported to the Public Protection Licensing Committee on 14th November, 2019. The Committee

considered the information and resolved that he remained a fit and proper person to hold driver licences but he was to keep the Council informed of any progress with the Police case.

The case had taken two years to come to a conclusion, with Z being acquitted of the offence of money laundering. At the time the report was prepared, Z had failed to notify the Council of the outcome of the investigation.

The Licensing Team Manager requested that, as Z was acquitted of the offence, the Committee determine if any sanction should be issued in respect of Z's conduct.

Z was unable to attend the Committee meeting but did send to the Committee a message offering a reason why he had not informed the Council of his acquittal which was due to his elation and sense of relief at the time of being acquitted of the offence.

Following this, the Committee then deliberated the matter in private.

Following the Committee's deliberations, the Licensing Team Manager was invited back into the meeting for the Committee's decision.

The Committee, having considered the report presented and having taken into account all representations

RESOLVED – T H A T the report be noted and a letter be sent to Z reminding them of their duties under their Hackney Carriage and Private Hire Vehicle Driver Licences.

Reason for decision

Having regard to the contents of the report and discussions at the meeting.

676 DISCIPLINARY HEARING FOR EXISTING DRIVER ES (DEH) (EXEMPT INFORMATION – PARAGRAPHS 12, 13 AND 14) -

The purpose of the report was to consider information received from the South Wales Police in relation to a recent conviction and to determine whether ES was a fit and proper person to hold Vale of Glamorgan Hackney Carriage and Private Hire Vehicle Driver Licences.

The Licensing Team Manager began by advising the Committee that ES had held Hackney Carriage/Private Hire Vehicle Driver's licences since 2016. They were also the proprietor of a Private Hire Vehicle.

On 1st November, 2019 the Council was notified of ES' arrest in connection with allegations of fraudulently obtaining money from a 91 year old female by impersonating a member of the National Crime Agency.

ES was released pending further investigations. The notification included mitigation on behalf of ES in relation to their personal circumstances and general good

conduct, together with a disclosure note that the information had been released to the Council because the role of taxi driver allowed the transportation of vulnerable passengers.

The matter was reported to the Public Protection Licensing Committee on 14th November, 2019. The Committee considered the information and resolved that ES remained a fit and proper person to hold driver licences, but they were to keep the Council informed of any progress with the Police case.

On 12th November, 2021 the Council was made aware of a report in Wales Online which stated that ES had been convicted of an offence involving a 91 year old woman. The offence was one of money laundering of the proceeds of a fraud carried out by other persons who were not believed to be taxi drivers.

At the time this report was prepared, ES had failed to notify the Council of the outcome of the investigation.

The conditions attached to the Vale of Glamorgan hackney carriage and private hire vehicle drivers' licences required a driver to be personally responsible for declaring any convictions or other matters which occurred mid-term during a licence.

The Chair then invited ES to give a verbal representation regarding the events described in the report.

ES initially sought to minimise their involvement in the case suggesting that their guilty plea was due to legal advice provided to them and they had only pleaded guilty to avoid a custodial sentence. When Members pressed ES on this matter ES did accept that he was guilty of the offence. However, ES showed no remorse for their actions and involvement. In addition, ES accepted that they knew that they were required to notify the Council of the outcome of the criminal proceedings which they had failed to do. ES stated that they assumed that the Police would have notified the Council of the conviction.

Following this, the Committee deliberated the matter in private. Members were not satisfied that ES could act with integrity and demonstrate conduct befitting the trust that the Council would require from him when acting as a taxi driver and could not be satisfied that the public would not be placed at harm. An integral part of ES' role would involve the handling of money and appropriately accounting for the same to members of the public. Taking account of the test in terms of fitness and propriety as outlined by the Legal Officer, Members expressed concern about placing members of their own family in a taxi with the individual and expressed grave concerns about this individual supporting vulnerable passengers in their role as a taxi driver. Members were not satisfied that ES remained a fit and proper person to hold a Vale of Glamorgan Council's Hackney Carriage and Private Hire Drivers' Licence.

Following the Committee's deliberations, the Licensing Team Manager was invited back into meeting for the Committee's decision.

The Committee, having considered the report presented and having taken into account all representations

RESOLVED - T H AT ES' Vale of Glamorgan Hackney Carriage and Private Hire Vehicle Driver Licence be revoked with immediate effect.

Reason for decision

In accordance with the adopted Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades, Members were not satisfied that ES remained a fit and proper person to hold a Vale of Glamorgan Council's Hackney Carriage and Private Hire Drivers' Licence. Members were also not satisfied that ES could act with integrity and demonstrate conduct befitting the trust that the Council would require from them when acting as a taxi driver and could not be satisfied that the public would not be placed at harm. Taking account of the test in terms of fitness and propriety as outlined by the Legal Officer, Members expressed concern about placing members of their own family in a taxi with ES and expressed grave concerns about ES supporting vulnerable passengers in their role as a taxi driver. This was due to ES having been involved in a serious criminal case which had involved dishonesty and the exploitation of vulnerable victims.

ES was advised that they had the right of appeal to Cardiff Magistrate's Court against the decision of the Committee within 21 days and they should take independent legal advice if they were in any doubt as to their legal rights and / or responsibilities.

677 DISCIPLINARY HEARING FOR EXISTING DRIVER KS (DEH) (EXEMPT INFORMATION – PARAGRAPHS 12, 13 AND 14) -

The purpose of the report was to consider information received from the South Wales Police in relation to a recent conviction and to determine whether KS was a fit and proper person to hold Vale of Glamorgan Hackney Carriage and Private Hire Vehicle Driver Licences.

KS had held Hackney Carriage/Private Hire Vehicle Driver's licences since approximately 2015/2016. They were also the proprietor of a Private Hire Vehicle.

On 12th November, 2021 the Council was made aware of a report in Wales Online which stated that KS had been convicted of an offence involving a 91 year old woman.

The offence for which KS was convicted was one of money laundering of the proceeds of a fraud carried out by other persons who were not believed to be taxi drivers.

The Council was already aware of the Police investigation and that two other taxi drivers were involved. These two drivers were reported to a Public Protection Committee in November 2019 when the investigation commenced. At that point KS

was not implicated. However, he did not disclose his subsequent arrest which South Wales Police advised took place on 28th June, 2021.

At the time this report was prepared, KS had still not advised the Council of the conviction in non-compliance with a condition attached to the Vale of Glamorgan hackney carriage and private hire vehicle drivers' licences.

KS had been previously warned in relation to complaints received and breaches of licence conditions by Licensing Officers and the Public Protection Committee between 2018-2020 (receiving two officer warnings and one Committee warning in respect of his conduct).

The Chair then invited KS to give a verbal representation regarding the events described in the report.

KS initially sought to minimise their involvement in the case suggesting that their guilty plea was due to legal advice provided to them and they had only pleaded guilty to avoid a custodial sentence. KS showed no remorse for their actions and involvement. In addition, KS accepted that they knew that they were required to notify the Council of the outcome of the criminal proceedings which they had failed to do. KS stated that they assumed that the Police or the Courts would have notified the Council of the conviction.

Following this, the Committee deliberated the matter in private. Members were not satisfied that KS could act with integrity and demonstrate conduct befitting the trust that the Council would require from him when acting as a taxi driver and could not be satisfied that the public would not be placed at harm. An integral part of KS' role would involve the handling of money and appropriately accounting for the same to members of the public. Taking account of the test in terms of fitness and propriety as outlined by the Legal Officer, Members expressed concern about placing members of their own family in a taxi with KS and expressed grave concerns about KS supporting vulnerable passengers in their role as a taxi driver. Members were therefore not satisfied that KS remained a fit and proper person to hold a Vale of Glamorgan Council's Hackney Carriage and Private Hire Drivers' Licence.

Following the Committee's deliberations, the Licensing Team Manager was invited back into meeting for the Committee's decision.

The Committee, having considered the report presented and having taken into account all representations

RESOLVED - T H AT KS' Vale of Glamorgan Hackney Carriage and Private Hire Vehicle Driver Licence be revoked with immediate effect.

Reason for decision

In accordance with the adopted Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades, Members were not satisfied that KS remained a fit and proper person to hold a Vale of Glamorgan Council's Hackney Carriage and Private Hire Drivers' Licence. Members were also

not satisfied that KS could act with integrity and demonstrate conduct befitting the trust that the Council would require from them when acting as a taxi driver and could not be satisfied that the public would not be placed at harm. Taking account of the test in terms of fitness and propriety as outlined by the Legal Officer, Members expressed concern about placing members of their own family in a taxi with KS and expressed grave concerns about KS supporting vulnerable passengers in their role as a taxi driver. This was due to KS having been involved in a serious criminal case which had involved dishonesty and the exploitation of vulnerable victims.

KS was advised that they had the right of appeal to Cardiff Magistrate's Court against the decision of the Committee within 21 days and they should take independent legal advice if they were in any doubt as to their legal rights and / or responsibilities.