

No.

PUBLIC PROTECTION LICENSING COMMITTEE

Minutes of a remote meeting held on 18th April, 2023.

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

The Meeting recording is available [here](#).

Present: Councillor P. Drake (Chair); Councillor J.M. Norman (Vice-Chair); Councillors G. Bruce, L. Burnett, V.P. Driscoll, R. Fisher, E. Goodjohn, H.C. Hamilton, W.A. Hennessy, N.B. Marshallsea, M.J.G. Morgan, R. Sivagnanam and S.T. Wiliam.

895 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Chair read the following statement: “May I remind everyone present that the meeting will be live streamed as well as recorded via the internet and this recording archived for future viewing.”

896 APOLOGIES FOR ABSENCE –

These were received from Councillors C.P. Franks and M.R. Wilkinson.

897 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 7th March, 2022 be approved as a correct record.

898 DECLARATIONS OF INTEREST –

No declarations of interest were received.

899 EXEMPTION FROM PRIVATE HIRE PLATE AND DOOR STICKER REQUIREMENTS (DEH) –

The report was presented by the Licensing Team Manager for Committee to consider a request by Mr. Rhys Wilton to be exempt from the requirement to display door stickers or a licence plate on his Private Hire Vehicle.

The Licensing Team Manager advised that Mr. Wilton had confirmed that he was not able to attend the meeting but had clarified that he was content for the matter to be heard in his absence and understood that Committee would only be able to

No.

make a decision based on the received submissions that had been circulated to Members.

Several Members questioned if the matter should be deferred to allow the applicant to be able to be in attendance so that Committee Members and the applicant were able to ask and answer questions about the submission. The Chair put the proposition to defer the matter to a vote which was unanimously agreed in favour of deferring the matter to a future meeting of the Public Protection Licensing Committee, the date of which would be agreed with the applicant, in order for the applicant to attend the meeting and allow all parties to elaborate on the application in order to determine the application.

Having fully considered the matter, Committee subsequently:

RESOLVED – T H A T the matter be deferred to a future meeting of the Public Protection Licensing Committee, the date of which would be agreed with the applicant, in order for the applicant to attend the meeting and allow all parties to elaborate on the application in order to determine the application.

Reason for decision

In order that Members be able to make a determination based on the options available at a meeting of the Public Protection Licensing Committee where the applicant would be present.

900 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 item of business on the grounds that it involves 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.

901 GRANT OF LICENCES – S (DEH) (EXEMPT INFORMATION – PARAGRAPHS 12, 13 AND 14) –

The report was presented by the Licensing Team Manager for Committee to determine whether S was a fit and proper person to hold Vale of Glamorgan Hackney Carriage and Private Hire Vehicle Driver Licences.

The Licensing Team Manager advised Committee that S was also in attendance at the hearing, was fully able to participate in the hearing and had received the papers that had also been circulated to Committee Members.

The Principal Lawyer advised of the procedure for the meeting with S confirming that they understood the process.

No.

The Licensing Team Manager referred to an additional document that following a request by S had been circulated to Members prior to the meeting for consideration.

Pre-licensing requirements required a Disclosure and Barring Certificate being commissioned which S had consented to and that certificate contained a conviction which fell within the convictions policy. The conviction listed on the Disclosure and Barring Certificate was listed within Appendix B to the report. The matter had been heard at Cardiff Crown Court and the details of the sentence were also included in Appendix B to the report.

The Licensing Team Manager added that S had previously held Hackney Carriage/Private Hire Vehicle Driver's Licences issued by the Authority and that they had been revoked, details of which were included in Appendix A to the report.

During the course of the investigation, it emerged that S had breached the standard condition attached to driver licences by withholding details of an arrest for the matter and the relevant conviction was set out in Paragraph 1.11 of the report.

Paragraph 2.9 referred to the Public Protection Licensing Committee adopted Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades and noted that where an applicant had 'a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.'

Following a question and answer session at the meeting the Principal Lawyer advised that the Committee would consider the application privately and that S would be notified within the next week of the Member's decision and S left the meeting.

RESOLVED – T H A T after careful consideration of the facts of the report the Council's policy, and after hearing from S, Members determined that S was not a fit and proper person to hold Hackney Carriage and Private Hire Vehicle Driver Licences.

Reason for decision

The Committee considered the report and the submissions made by S and the additional information provided prior to the meeting. It also had regard to the Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades adopted by the Public Protection Licensing Committee. The Committee considered the Guidance set out at sections 2.1 to 2.8 of the report and in particular section 2.9 where it had regard for the criteria that where an applicant had "a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed."

No.

The Committee resolved to not grant the licence as they were not satisfied that the applicant was a fit and proper person in accordance with the legal test as set out in the report. The applicant offered no reason as to why the Committee should depart from its policy on the treatment of previous convictions. They were not satisfied that there was any justification for dis-applying the policy in relation to the disqualification from driving offence, noting that 7 years has not yet elapsed from the conviction and no compelling argument to justify departing from the policy could be established.