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| Minutes of: | LICENSING AND SAFETY PANEL |
| Date of Meeting: | 8 January 2014 |
| Present: | Councillor D Jones (In the Chair) Councillors: I Bevan, D M Cassidy, J Grimshaw, T Holt, A K Matthews, T Pickstone, A Quinn, B Vincent and J Walton |
| Public Attendance: | There was 1 member of the public present at the meeting |
| Apologies for Absence: | Councillors N Bayley and S Southworth |

655 DECLARATIONS OF INTEREST

No declarations of interest were made in relation to any items considered at the meeting.

656 PUBLIC QUESTION TIME

Mr Charles Oakes of the Hackney Drivers' Association Ltd, addressed the Licensing and Safety Panel in relation to the following issues:

- § The Licensing of rear loading vehicles; Mr Oakes stated that the request for the Licensing and Safety Panel to consider the licensing of rear loading vehicles had been discussed in the past by Members but it was time that consideration was again given to this matter. Mr Oakes explained that financially, this vehicle was a cheaper option.
- § Singh v Cardiff City Council; Mr Oakes asked the Members' for the Council's response to the case of Singh v Cardiff City Council which considered their right to either suspend or revoke an individual's licence. The case states that they could not do both.
- § Complaints about parking in ranks and private hire trade plying for hire; Mr Oakes stated that there has been an increase in complaints from Hackney Drivers in relation to Private Hire vehicles plying for hire and private vehicles parking on the night time taxi ranks. Mr Oakes stated that the Licensing Service was not addressing these grievances and that he had been forced to turn to the police for assistance in relation to the parking issue. He stated that these problems had been brought before the Licensing and Safety panel on many occasions.

In response, the Head of Commercial and Licensing reported that:

- On the issue of licensing rear loading vehicles, this matter had already been considered by the Licensing and Safety Panel on a

number of previous occasions and that on those occasions Members had resolved not to licence these vehicles as hackney carriages, due to public safety concerns. He went on to explain that the taxi ranks in the Borough were designed for side loading vehicles, not rear loading. The safety concern is in relation to pushing a wheelchair passenger off the kerb into the road to load them into the vehicle.

Councillor Quinn proposed that a health and safety risk assessment should be included in the report. It was agreed that for the next meeting of the Licensing and Safety Panel, the Head of Commercial and Licensing would report the history of past discussions on the rear loading vehicles in the Operational report so that Members can consider this matter further. The Head of Commercial and Licensing stated that within the Commercial Section of the team he is responsible for, there are Health and Safety Officers and that their input would also be incorporated into the report.

- In relation to the Panel's decision to suspend or revoke an individual's licence, the Head of Commercial and Licensing explained that, previously, if a licence holder was immediately suspended for a serious offence, then it would come before the Panel for a further decision to suspend or revoke that licence when finally dealt with. In light of the Cardiff case, that can be seen as taking duplicate action on the same facts. For the future where a driver is under consideration for immediate action on public safety grounds, depending upon the particular circumstances it is more likely a driver will immediately have their licence revoked pending any investigation. The licence could then be re-instated on reapplication if the driver was found not to be at fault.
- In relation to Private Hire Drivers plying for hire, the Head of Commercial and Licensing stated that this issue is explored regularly; however, he would investigate the matter further. He acknowledged that there is an ongoing problem with members of the public parking their vehicles on the night time taxi ranks, but that this has resulted in the Civil Parking Enforcement Officers issuing a large number of fixed penalty notices in relation to these vehicles.

657 MINUTES

Delegated decision:

That the Minutes of the Licensing and Safety Panel meeting held on 5 December 2013, be approved as a correct record and signed by the Chair.

In relation to the minutes of the Taxi Liaison meeting held on 3 December, 2013, which had been circulated to the Members prior to the meeting, the Chair, Councillor Jones, stated that in relation to the item regarding fire

extinguishers and vehicle window stickers, he had understood that it had been agreed that it would be looked into as to whether they were still required in a public hire vehicle. The Head of Commercial and Licensing reported that this was his recollection but following the request for removal at the meeting, further advice was being sought from GMF&RS. He also reported that the public consultation regarding the item on the 'five fault rule and age policies', was now taking place.

The minutes were therefore noted.

658 URGENT BUSINESS

There was no urgent business to report at the meeting.

659 EXCLUSION OF PRESS AND PUBLIC

Delegated decision:

That in accordance with Section 100(A)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting during consideration of the following items of business since it involved the likely disclosure of information relating to individuals who hold licences granted by the authority or applicants for licences provided by the Authority.

660 SUSPENSION REVOCATION OF PRIVATE HIRE DRIVERS LICENCES

Client 03/2014 did not attend the hearing and it was agreed by the Members of the Licensing and Safety Panel to adjourn their decision until the next meeting, in order to give the licence holder the opportunity to address the Panel.

661 APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE

The Deputy Licensing Officer presented reports submitted by the Assistant Director (Localities) regarding applications for Public/Private Hire Vehicles Drivers' Licences.

The applicants were invited to attend the meeting for separate hearings and the Chair outlined the procedure to be followed. The applicants and their representatives were invited to address the Panel separately on their applications and any matters referred to in the Officer's report.

1. The applicant 02/2014, who was unrepresented, accepted the contents of the report and was invited to address the Panel. The applicant explained the offence of driving without insurance had been a genuine mistake as he had believed his sisters vehicle, which he had driven, had been insured for him to drive. It had always previously been insured for any driver and he assumed it still did. She was away at the time of the offence. Members of the Panel asked questions.

Delegated decision:

That after careful consideration of the representations submitted and taking into account the Council's Convictions Policy and Guidelines, the application for a Private Hire Driver's Licence be **approved**. Although the Panel acknowledged the seriousness of the offence of driving with no insurance, it was almost 3 years ago and the applicant showed remorse and the Panel therefore agreed unanimously that the applicant was a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976.

2. The applicant 01/2014, who was supported by his son, accepted the contents of the report and was invited to address the Panel. The applicant stated that he took full responsibility for his actions and the subsequent convictions and explained his account of the offences which lead to the convictions. The applicant stated that he had served time in Prison for the offences and consequently he had lost everything including his house and car and for a time, contact with his son.

The applicant explained that the conviction for blackmail related to threats made by 2 individuals against a man who owed him and his Father a large business debt. The applicant and his Father had a business together and this debt had resulted in the failure of the business that he and his Father had worked so hard for which in turn resulted in him getting into financial difficulties. He stated that he told the two individuals about this and threats were then made resulting in his arrest. He had pleaded guilty to the offence and accepted he had made a mistake.

The applicant went on to explain that as a result of the business failing he began to work on markets and was offered counterfeit clothing to sell. He began to sell these over the internet and also asked others to sell them for him. This became very lucrative. He stated that he realised this too was a mistake and when arrested again pleaded guilty to the offences. He also accepted he was in breach of the suspended prison sentence he received for the earlier blackmail offence.

The applicant was released from prison almost 3 years ago.

The applicant informed the Panel that he was truly sorry for the past and that he wanted a 'normal' life now. He had a small flat but he needed the Private Hire Driver's Licence in order to earn a living.

The applicant's son also addressed the Panel and explained that his Father, whom he had been brought up by, had always worked hard with his Grandfather and that he had always been a fruitful member of Society. His Father was now very eager to contribute to Society again and at the age of 53 years, he needed this opportunity and he requested that the Panel grant a Provisional Licence.

Members of the Panel asked questions of the applicant during which he indicated that in relation to the offence of blackmail, the 2 individuals involved were known to him, but also knew the victim and that he was unaware of their actions. This was accepted by the court when he was sentenced, as was the fact that the victim owed him a large debt. He also stated that in relation to the offences relating to the counterfeit clothing, this related to clothing to the value of approximately £200,000. There had however been no Proceeds of Crime Application in relation to it.

Delegated decision:

The Panel carefully considered the written report and oral representations made by the applicant, and his son. The Panel also noted that the Council's Convictions Policy and Guidelines do not specifically refer to these types of offences, but that they do deal with offences of dishonesty and deception. Taking these matters into account, the Panel found that;

- The offences for which the applicant had been convicted were of a very serious nature, namely blackmail; conspiring, concealing, disguising, converting, transferring or removing criminal property; conspiring or selling goods bearing false trade mark and failing to comply with Community requirements of a suspended sentence order,
- The most recent offences involved a large amount of money, The offences had resulted in the subsequent sentencing to a total of 39 months imprisonment
- In view of these matters the applicant is not a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976, to hold a Licence,

And therefore the Panel resolved that the application for a Private Hire Driver's Licence be **refused**.

The applicant was advised of their right to appeal within 21 days of notification to the Magistrates' Court.

COUNCILLOR JONES
Chair

Please note: The meeting started at 7.00 pm and finished at 8.10 pm