

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
Apologies for absence:	Councillor S Southworth
Public Attendance:	There was 1 member of the public present at the meeting

LSP.XXX DECLARATIONS OF INTEREST

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

LSP.XXX 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.
- § Mr Oakes asked the Members' response on their right to either suspend or revoke an individual's licence – but that they could not do both and he referred to a case brought against Cardiff City Council.
- § There has been an increase in complaints from the Hackney Drivers in relation to Private Hire vehicles plying for hire. Mr Oakes stated that the Licensing Service was not addressing these grievances and the Hackney Drivers were turning to the Police to assist. He stated that this problem had been brought before the Licensing and safety panel on many occasions.

In response, the Head of Commercial and Licensing reported that the discussion on rear loading vehicles had been before the Panel a number of years ago and Members were not minded to licence these vehicles as the taxi ranks in the Borough were designed for side loading vehicles, not rear

loading. The issue was in relation to pushing a wheelchair passenger off the kerb into the road to load them into the vehicle. It was stated that for the next meeting of Licensing and Safety, a report would be included explaining the history of past discussions on the rear loading vehicles, for Members to make a determination.

Councillor Quinn asked if a health and safety risk assessment should be included and the Head of Commercial and Licensing stated that within the Licensing Service there were Health and Safety Officers who would incorporate their findings within 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 their decision to suspend or revoke that licence, however, now a driver will immediately have their licence revoked pending a Police investigation. This would be re-instated if the driver was found not guilty.

In relation to Private Hire Drivers plying for hire, the Head of Commercial and Licensing stated that this issue is explored regularly; however, it has been suggested to investigate the matter further. There is a problem with Private Hire Vehicles on the ranks but Enforcement Officers are constantly addressing the situation and issuing parking tickets where necessary.

LSP.XXX 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, asked, that in relation to the item regarding fire extinguishers and vehicle window stickers, if they were still required in a public vehicle and the Head of Commercial and Licensing reported that they were.

It was also reported that the public consultation regarding the item on the 'five fault rule and age policies', was now taking place.

LSP.XXX URGENT BUSINESS

There was no urgent business to report at the meeting.

LSP.XXX EXCLUSION OF THE 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.

LSP.XXX PROPOSED SUSPENSION/REVOCATION OF A PRIVATE HIRE DRIVER'S LICENCE

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.

LSP.XXX APPLICATIONS FOR PUBLIC/PRIVATE HIRE DRIVERS' LICENCES

The Deputy Licensing Officer presented a report 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.

Delegated decisions:

1. That after careful consideration of the representations, and taking into account the Council's Conviction Guidelines, the applicant identified as 01/2014, be **refused** an application for a Private Hire Driver's Licence on the basis that the applicant was not a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976, to hold a Licence.

The applicant, who was supported by his son, addressed the Panel and 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 the business that he and his Father had worked so hard for, his house and car and for a time, contact with his Son. 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.

In reaching its decision, the Panel considered the representations made by the applicant, and his son, and determined that due to the serious nature of the offences reported, 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 and the subsequent sentencing of a total of 39 months imprisonment, that the applicant was not a fit and proper person to hold a Private Hire Driver's Licence.

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

2. That after careful consideration of the representations submitted and taking into account the Council's Conviction Guidelines, the application for a Private Hire Driver's Licence by applicant 02/2014, be **approved**. Although the Panel acknowledged the seriousness of the offence of driving with no insurance, it was over 3 years before and the applicant showed remorse for his actions and the Panel agreed unanimously that the applicant was a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976.

COUNCILLOR JONES
CHAIR

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