

LICENSING COMMITTEE

MINUTES of a meeting held on 7th November, 2006.

Present: Councillor Mrs. V.M. Hartrey (Chairman); Councillor Mrs. A.J. Preston (Vice-Chairman); Councillors Mrs. J. E. Charles, Mrs. C.V.L. Clay, Miss. J. Cole, S.C. Egan, E. Hacker, A.G. Powell, Mrs. M. Randall, A.J. Readman, J.W. Thomas and Mrs. M.R. Wilkinson.

484 APOLOGIES FOR ABSENCE -

Apologies for absence were received from Councillors J. Clifford, N.J. Gibbs and A.D. Hampton.

485 MINUTES OF LICENSING SUB-COMMITTEES -

RESOLVED - T H A T the following minutes of the Licensing Sub-Committees be noted:

- (a) 6th July, 2006.
- (b) 31st July, 2006.
- (c) 11th August, 2006.
- (d) 27th September, 2006.
- (e) 6th October, 2006.
- (f) 16th October, 2006.

486 MINUTES -

RESOLVED - T H A T the minutes of the Licensing Committee meetings held on 18th July, 2006 and 3rd October, 2006 be accepted.

487 DECLARATIONS OF INTEREST -

No declarations were received.

488 STREET TRADING CONSENT - PENARTH TOWN COUNCIL CHRISTMAS EVENT (DLRS) -

Consideration was given to an application for a Street Trading Consent received from Penarth Town Council to trade on Lower Glebe Street, Penarth on 24th November, 2006 between the hours of 5.30 p.m. and 9.00 p.m. in connection with the switching on of the Christmas lights. An application of £40 was forwarded to the Licensing Section when the application was made. Committee was reminded that the fee set must include the administration and enforcement of Street Trading provisions to ensure that all costs associated

with those activities were met. It was suggested, therefore, that the balance of the fee payable should be set at £70.

The Committee was also advised that the Licensing Section had received no objections from the Environmental Health Department.

RESOLVED -

(1) T H A T the Street Trading Application in Lower Glebe Street, Penarth be approved.

(2) T H A T a further fee of £70.00 be set in respect of administrative and enforcement costs.

(N.B. Councillor A.G. Powell arrived at the meeting whilst discussion of the above was ongoing and as such, did not take part in the vote in respect of the application).

489 APPLICATION TO ALLOW ROOF LIGHTS ON HACKNEY CARRIAGES WHICH INCORPORATED ADVERTISING MEDIA (DLRS) -

An application had been received from Mr. McAuley of Marvin Mobile Media Ltd. to use a style of roof light that incorporated advertising on Hackney Carriages. Pictures of the sign were appended to the report. Whilst there was no prescribed form for roof lights on Hackney Carriages, this Council's conditions attached to Hackney Carriage vehicle licences required that certain wording was included on the sign. All advertising on Hackney Carriages had to be approved in writing by the Council. All advertisements intended for use by Marvin Mobile Media Ltd. would therefore have to be approved in writing and the proprietor of every vehicle where the proprietor intended to use the system would be required to apply in writing to use the roof light and could not fit that light until authorised in writing. The light had three lighting sections, the sections at either end identifying the vehicle as a Hackney Carriage. The supplier's intention was that the central section, which had the advertising affixed to it, would operate separately and remain lit even when the front and rear sections were not. Points to be considered included whether the entire light should be extinguished when the vehicle was hired (in order that potential hirers might be aware that the vehicle was in fact hired) and the stability or safety of those signs at low and high speed conditions could not be determined from the information provided to date.

The meeting was adjourned at this point in order that a vehicle containing a sign could be inspected. On Committee's return, Members reported that further research be undertaken in relation to the usage of such signs. Mr. McAuley advised that one taxi company in the Vale had written to him offering him their support.

RESOLVED - T H A T the application be deferred in order that further information / research could be undertaken in respect of the signage and also that the views of taxi drivers be sought in respect of the matter.

(N.B. Councillor Mrs. M. Randall arrived at the meeting whilst the application was being considered, but took no part in the vote on the matter).

490 ITEM WHICH THE CHAIRMAN HAD DECIDED WAS URGENT -

RESOLVED - T H A T the following item which the Chairman had decided was urgent be considered.

491 LICENSING OF VEHICLES DESIGNED NOT TO CARRY A SPARE WHEEL (DLRS) (SCRUTINY COMMITTEE - CORPORATE RESOURCES) -

Urgent by the reason of the need to consider the application prior to the next meeting of the Committee

An application had been received from Checkers Cars Ltd. to licence a vehicle manufactured without provision for a spare wheel. Checkers Cars Ltd. was a licensed Private Hire operator at Cardiff International Airport. The company operated a fleet of Ford Galaxies which it replaced for new vehicles on a regular basis. The latest model of the Ford Galaxy had been produced without provision for a spare wheel. The vehicle itself is instead supplied with a device called the "Contimobilitykit" and the instruction leaflet for this kit was attached at Appendix B to the report.

Members were advised that the Council's condition 12(m) attached to Private Hire vehicles licences and 11(m) attached to hackney carriages required that those vehicles carry a spare wheel, brace and jack. In the case of Private Hire vehicles, Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 allowed conditions when granting a Private Hire vehicle licence. Members were advised that notwithstanding the conditions applied to the Private Hire vehicle licence, they may without amending the conditions, select certain conditions and add others, if it is thought reasonable and necessary to do so. However, they were reminded that they must satisfy themselves that in allow and conditioning a vehicle to the "Contimobilitykit" the safety of passengers must not be compromised.

After due consideration of the application, it was

RESOLVED - T H A T the vehicles as detailed in the report that are manufactured without provision for a spare wheel be acceptable to be licensed as either Hackney Carriage or Private Hire vehicles, provided that the sealant kits provided with the vehicles are used in conjunction with the manufacturer's instructions.

492 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.

493 DISCIPLINARY MATTER: KA (EXEMPT INFORMATION - PARAGRAPHS 19 AND 26) (DLRS) -

KA had been a holder of a Vale of Glamorgan driver's badge since 1988. KA had appeared at Barry Magistrates Court on 13th September, 2006 charged with using threatening, abusive or insulting words or behaviour within the hearing or sight of a person likely to be caused harassment, alarm or distress thereby under Section 5(1) of the Public Order Act 1986. KA had pleaded guilty at the above hearing and received a conditional discharge for 12 months, being ordered to pay £250 compensation to the complainant and £75 costs. KA had previously appeared in front of this Committee for a disciplinary matter in February, 2004 following which the Committee agreed to renew KA's driver licences at which time KA had also been written to regarding his future conduct.

After due consideration of the matter, it was

RESOLVED - T H A T no action be taken but that KA be reminded of the highest standards of conduct that are required by the Licensing Authority.

494 DISCIPLINARY MATTER: AJC (EXEMPT INFORMATION - PARAGRAPHS 19 AND 26) (DLRS) -

AJC had held a Hackney Carriage/Private Hire driver's licence since May 1999. In June 2006 during the Hackney Carriage/Private Hire driver's licence renewal procedure, AJC was required to make application for a Criminal Records Bureau disclosure. When AJC's CRB disclosure was received, it was noted that matters had not been disclosed upon the renewal application (a copy of which was appended to the report).

Having considered all the evidence presented, it was

RESOLVED - T H A T AJC's application for renewal be approved.

495 DISCIPLINARY MATTER: MAS (EXEMPT INFORMATION - PARAGRAPHS 19 AND 26) (DLRS) -

Following a complaint from a member of the public and having regard to subsequent legal advice, MAS's Hackney Carriage/Private Hire driver's licence and Hackney Carriage licence were suspended in March 2006 pending further investigation. MAS's appeal to the Magistrates Court against those decisions to suspend his licences was subsequently withdrawn. MAS was later found guilty of using threatening, abusive or insulting words or behaviour within the hearing or sight of a person likely to cause harassment, alarm or distress thereby under Section 5(1) of the Public Order Act 1986 and ordered to pay costs of £45 and compensation of £100 to the complainant.

After due consideration of the evidence presented, it was

RESOLVED - T H A T the Hackney Carriage / Private Hire Drivers Licences and Private Hire Operators Licence held by MAS be revoked for the reason that the Committee had asked themselves whether they would have doubts about placing members of the public in his taxi and as they had such doubts, they did not consider that he was therefore a fit and proper person to be licensed by the Authority and also that the Private Hire Vehicle licence be revoked to prevent MAS losing the use of the vehicle for domestic purposes.

496 APPLICATION FOR PRIVATE HIRE/HACKNEY CARRIAGE DRIVER'S LICENCE - DS (EXEMPT INFORMATION - PARAGRAPHS 19 AND 26) (DLRS) -

DS had sat and successfully completed the Basic English Test in June 2006 and had applied to be licensed as a Hackney Carriage/Private Hire Vehicle driver in July 2006. On the application form, DS declared no previous cautions or convictions yet the check made with the Criminal Records Bureau (received September 2006) disclosed a conviction.

RESOLVED - T H A T DS's application for a Private Hire / Hackney Carriage driver's licence be approved.

497 APPLICATION FOR GRANT OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVER'S LICENCE - GS (EXEMPT INFORMATION- PARAGRAPHS 19 AND 26) (DLRS) -

GS had successfully completed the Basic English Test in August 2006 and the Knowledge Test in October 2006. GS had applied for the grant of a Private Hire/Hackney Carriage driver's licence in September 2006 and was required to apply for a Criminal Records Bureau disclosure as a matter of course. GS did not fully disclose the matters recorded against him by the CRB on the application form (a copy of which was appended to the report).

RESOLVED - T H A T GS's application for a Private Hire / Hackney Carriage driver's licence be approved.

498 INFORMATION FOR MEMBERS - JG (EXEMPT INFORMATION - PARAGRAPHS 19 AND 26) (DLRS) -

Details were presented of a recent decision made under Delegated Powers to waive a Vale of Glamorgan Council's Age Policy Guidelines in respect of a Renault Laguna and to grant a Hackney Carriage vehicle licence for the said vehicle. Having regard to the circumstances of the case and after appropriate consultations, the decision was taken to waive the Age Policy Guidelines in respect of the vehicle.

RESOLVED - T H A T the contents of the report be noted.

499 INFORMATION FOR MEMBERS - MSM (EXEMPT INFORMATION - PARAGRAPHS 19 AND 26) (DLRS) -

In October 2006, during the Hackney Carriage/Private Hire licence renewal procedure, it became apparent that MSM had failed to give a correct list of previous addresses when making application for a Criminal Records Bureau disclosure in February 2005. In October 2006 MSM's Hackney Carriage/Private Hire driver's licence was suspended under Delegated Powers pending receipt of a satisfactory Criminal Records Bureau disclosure. Upon receipt of a satisfactory CRB disclosure in relation to MSM, the suspension in relation to the above licence was lifted later that same month.

RESOLVED - T H A T the contents of the report be noted.