

No.

## **PUBLIC PROTECTION LICENSING COMMITTEE**

Minutes of a meeting held on 4<sup>th</sup> December, 2018.

Present: Councillor V.P. Driscoll (Chairman); Councillor Mrs. J.E. Charles (Vice-Chairman); Councillors G.A. Cox, R. Crowley, Mrs. P. Drake, O. Griffiths, Dr. I.J. Johnson, K.P. Mahoney, K.F. McCaffer, Mrs. A. Moore, Mrs. J.M. Norman, L.O. Rowlands and J.W. Thomas.

### 524 APOLOGY FOR ABSENCE -

This was from Councillor Mrs. M.R. Wilkinson.

### 525 MINUTES -

RESOLVED - T H A T the minutes of the meeting held on 6<sup>th</sup> November, 2018 be approved as a correct record.

### 526 DECLARATIONS OF INTEREST -

No declarations were received.

### 527 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.

### 528 DISCIPLINARY FOR EXISTING DRIVER - C (DEH) (EXEMPT INFORMATION - PARAGRAPHS 12, 13 AND 14) -

The Committee was requested to determine whether C was a fit and proper person to hold a Vale of Glamorgan Council Hackney Carriage and Private Hire Vehicle Driver Licence. C was present during the disciplinary.

The Licensing Team Manager commenced by advising that on 11<sup>th</sup> October, 2018 C had submitted an application to renew their Hackney Carriage and Private Hire Vehicle Driver Licence and declared that in June 2017 they were convicted and fined for an offence. C's licences were renewed pending further investigation including the production of a Disclosure and Barring (DBS) Certificate.

On 5<sup>th</sup> November, 2018, C produced a DBS Certificate to the Licensing Authority which highlighted that on 22<sup>nd</sup> June, 2017, they were convicted of racially/religiously

No.

aggravated intentional harassment/alarm/distress - words - writing under the Crime and Disorder Act 1998, Section 31 (1) (B).

Section 6.4 of the policy on the treatment of convictions, cautions and charges stated "An application will normally be refused or an existing licence suspended or revoked where an applicant/licence holder has a conviction(s) for an offence listed below and the conviction(s) or other matter(s) to be considered is less than 10 years prior to the date of the application."

Having heard the verbal representations provided by C, Members of the Committee questioned C in relation to the contents of the report and sought clarity on a number of current and historical matters.

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

Following the Committee's deliberations, C and the Licensing Team Manager were invited back into the room for the Committee's decision. It was

RESOLVED - T H A T the Committee having considered the report presented and having taken account of all representations resolved to revoke the licence belonging to C with immediate effect.

#### Reason for decision

On 11<sup>th</sup> October, 2018, C submitted an application for renewal of their licence and the disclosure made by C was that they had appeared in court for abusive language, and in fact C had been charged with a racially/religiously aggravated intentional harassment/alarm/distress offence. C failed to notify the Licensing Authority at a previous renewal of their convictions in accordance with the Licensing conditions. C had previously failed to notify the Licensing Authority of driving offences and had appeared before the Committee previously in relation to their conduct as a driver. C had received previous warnings and had been reminded of their obligations to notify the Licensing Authority, yet they had consistently failed to heed these warnings. The offence that resulted in the conviction was committed against a Civil Enforcement Officer and was therefore a person in the authority. The Committee did not consider that C was a fit and proper person having considered the test as set out at paragraph 18 of the report.

C was advised that they had the right of appeal to Cardiff Magistrates Court against the decision of the Committee within 21 days.