

## **PUBLIC PROTECTION LICENSING COMMITTEE**

Minutes of a meeting held on 14<sup>th</sup> January, 2020.

Present: Councillor J.W. Thomas (Chairman); Councillors Ms. J. Aviet, Mrs. J.E. Charles, R. Crowley, Mrs. P. Drake, K.F. McCaffer, Mrs. J.M. Norman, Mrs. R. Nugent-Finn, L.O. Rowlands and Mrs. M.R. Wilkinson.

### **572 APOLOGIES FOR ABSENCE –**

These were received from Councillor O. Griffiths (Vice-Chairman); Councillors Mrs. A. Moore, M.J.G. Morgan, S.T. Wiliam and Ms. M. Wright.

### **573 MINUTES –**

RESOLVED – T H A T the minutes of the meeting held on 17<sup>th</sup> December, 2019 be approved as a correct record.

### **574 DECLARATIONS OF INTEREST –**

No declarations were received.

### **575 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.

### **576 DISCIPLINARY FOR EXISTING DRIVER – A (DEH) (EXEMPT INFORMATION – PARAGRAPHS 12, 13 AND 14) –**

Committee was requested to determine whether A was a fit and proper person to hold a Vale of Glamorgan Hackney Carriage and Private Hire Vehicle Driver Licence and a Private Hire Vehicle Proprietor Licence.

The Senior Licensing Enforcement Officer advised that the matter had previously been referred to the Public Protection Licensing Committee on 14<sup>th</sup> November, 2019 however A had not attended the meeting and therefore the Committee had resolved to defer the report to the next Committee meeting on 17<sup>th</sup> December, 2019.

On Friday, 13<sup>th</sup> December, 2019 A had sent an email to the Licensing Office providing evidence and an explanation as to why he could not attend the Committee

meeting on 17<sup>th</sup> December, and the Committee had therefore resolved to defer the report to the next scheduled meeting.

The Senior Licensing Enforcement Officer then reported to the Committee that on 15<sup>th</sup> August, 2019 officers inspected a licensed Private Hire Vehicle licensed to A. The vehicle was fitted with magnetic backed door plates which were easily removed by the officers and a Section 68 Suspension Notice was therefore issued to A.

Condition number 9 of the Vale of Glamorgan's Conditions for Private Hire Vehicles specifies that stickers must be "permanently fixed to each door with the identification sticker's adhesive backing". Condition number 10 of the Conditions also states that "the door stickers shall not be altered or defaced in any way". The Officer added that compliance with Conditions 9 and 10 was the responsibility of the driver and the proprietor of a vehicle. Breach of Condition was a matter dealt with as a disciplinary matter under Section 61 of the 1976 Act rather than prosecution.

Furthermore, on 16<sup>th</sup> August, 2019 A attended the Civic Offices to buy replacement door stickers. He was interviewed under caution and asked why he had placed magnetic door stickers on his vehicle and he replied that he did not know that they had to be stuck on. A copy of the relevant licence Conditions was issued with every licence and the reply given when he was asked how long he had been a driver and proprietor was a "long time".

The Officer added that A had received a first warning in relation to the use of door stickers in November 2003 as well as receiving a written warning regarding A's failure to notify the Licensing Authority of a change of address within the permitted timescale on 20<sup>th</sup> April, 2011. Finally, on 3<sup>rd</sup> September, 2013, A appeared before the Licensing Committee as a vehicle proprietor, following his failure to notify the Licensing Authority of accidents involving two of his vehicles. Subsequently, the Committee issued A with a formal final written warning as to his future conduct.

The Officer reiterated the Vale of Glamorgan Conditions for Private Hire Vehicles numbers 9 and 10, as well as adding that the door stickers shall not be altered or defaced in any way. The rationale for Condition 9 is that members of the public are able to clearly identify licensed Private hire Vehicles from both the rear and side of the vehicle, as well as clearly advising that the vehicle must be pre-booked and display the licence number, which aids both the public in identifying licensed vehicles and the Licensing Authority with regard to enforcement. The use of magnetised door stickers presented a particular problem as they could be removed from the licensed vehicle making it less identifiable to the public and could be potentially placed on an unlicensed vehicle.

The Officer then outlined the Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades. The legal option open to the Committee was set out in paragraph 4.4 of the report and the relevant sections of the Guidance (sections 5.5, 5.10, 5.14, 5.45 – 5.46) regarding the Applicant's behaviour, any offences committed, the responsibility around maintaining the safety and suitability of the licensed vehicle. A vehicle proprietor is responsible for ensuring that the vehicle is maintained to an acceptable standard at all times as well as ensuring that the vehicle is not used for illegal or illicit purposes.

Where an applicant has more than one warning, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

The Chairman then invited A to make a verbal representation regarding the events described in the report and following this, Members of the Committee questioned A in relation to the content of his representation and 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, A and the Senior Licensing Enforcement Officer were invited back into the room for the Committee's decision.

The Committee, having considered the report presented and having taken into account all representations,

RESOLVED –

(1) T H A T A was considered a fit and proper person to continue to hold a Vale of Glamorgan Hackney Carriage and Private Hire Vehicle Driver Licence and a Private Hire Vehicle Proprietor Licence.

(2) T H A T A receive a final written warning in light of the Committee's concerns regarding his recent and historical breaches of the Vale of Glamorgan's Licence Conditions.

Reason for decisions

(1) To ensure decisions of the Licensing Authority are consistent with the adopted Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades.

(2) To ensure that A is reminded of his responsibility to maintain awareness of and abide by all conditions subject to the terms of his licences, and is advised of future actions the Committee or Local Authority may take against him should any of these conditions be breached.