

## **PUBLIC PROTECTION LICENSING COMMITTEE**

Minutes of a remote meeting held on 12th July, 2022.

The Committee agenda is available [here](#).

The recording of the meeting is available [here](#).

Present: Councillor P. Drake (Chair); Councillor J.M. Norman (Vice-Chair); Councillors G. Bruce, L. Burnett, V.P. Driscoll, R. Fisher, C.P. Franks, E. Goodjohn, W.A. Hennessy, N.B. Marshallsea, M.J.G. Morgan, S.T. Wiliam and M.R. Wilkinson.

### 143 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Chair read the following statement: “May I remind everyone present that the meeting will be live streamed as well as recorded via the internet and this recording archived for future viewing.”

### 144 APOLOGIES FOR ABSENCE –

This was received from Councillor H.C. Hamilton.

### 145 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 8th February, 2022 be approved as a correct record.

### 146 DECLARATIONS OF INTEREST –

No declarations of interest were received.

### 147 COMMONS ACT 2006 - APPLICATION TO REGISTER LAND AS TOWN OR VILLAGE GREEN – LAND AT THE BUTTS, COWBRIDGE (KNOWN AS THE FORMER COWBRIDGE GRAMMAR SCHOOL CRICKET FIELD) (OMLS) –

The Senior Lawyer presented the report which sought Members' consideration and determination of an application to register the land known as the former Cowbridge Grammar School Cricket Field, The Butts, Cowbridge as a town or village Green.

The Vale of Glamorgan Council is the Commons Registration Authority for its administrative area for the purpose of exercising functions under the Commons Act 2006 (“the 2006 Act”). The function was the responsibility of Council and had been delegated to the Committee under the Council’s constitution.

In December 2014, an application was received by the Registration Authority from the Friends of the Grammar School Cricket Field ('the Applicant') to register an area of land known as the former Cowbridge Grammar School Cricket Field, The Butts, Cowbridge ("the Land") as town or village green ("the Application").

The Land was owned by Cowbridge Comprehensive School Trust and in that capacity the Trust submitted an objection to the Application.

A non-statutory public inquiry was convened for an independent Inspector to consider the Application and provide a recommendation to the Committee as to how the Application should be determined.

The Inspector had recommended that the Application be refused for the reasons set out in his Report ("the Inspector's Report") which was annexed to the Committee report.

The Chair asked for any questions, comments or matters of clarification from the Committee.

Councillor William said it was unfortunate that a group of residents had made the application to protect the land in question from development, that the owner of the land had objected, and the application had failed to satisfy the threshold test.

Councillor Fisher was surprised by the comments in the Inspector's Report about the land not having had significant use over the years as it had often been used for cricket and rugby over many years.

Councillor Morgan said it was unfortunate that the application had not satisfied the threshold test and that the advice received in law was to refuse the application accordingly. The independent Inspector had come to the conclusion that the application had not met the relevant threshold following fair hearing of the matter.

Councillor Norman said the area had been used by the public for many years but was not public land and the owning organisation had objected to the application. The owner had never raised an issue with its use in the past. There was also a sports facility next to the area in question so there was plenty of open space to be used in the area. The independent Inspector had assessed the application and recommended that it had not passed the threshold test. She suggested that if the application was to stop any building on that land in the future, perhaps the addition of a covenant could be explored.

Councillor Burnett said that the land was not in public ownership but had been used by local people as a community facility without challenge from the owner. The Council had protected some play areas by designating them as Fields in Trust. The Trust that owned the land was a trust for the benefit of the people of Cowbridge. She hoped that local people and the Trust would continue to enjoy the land together and reach a reasonable agreement for its use.

The Chair said it had been unfortunate that the application had taken a long time as a result of the pandemic.

The Chair moved the Recommendation. The Committee then called for a recorded vote on the matter.

The below Recorded Vote took place on the matter:-

<b>Members</b>	<b>For</b>	<b>Against</b>	<b>Abstain</b>
Gillian Bruce			✓
Lis Burnett	✓		
Pamela Drake	✓		
Vincent Driscoll		✓	
Robert Fisher		✓	
Christopher Franks		✓	
Ewan Goodjohn	✓		
Howard Hamilton			
William Hennessy		✓	
Naomi Marshallsea	✓		
Michael Morgan	✓		
Jayne Norman	✓		
Ruba Sivagnanam			
Stefan Wiliam		✓	
Margaret Wilkinson	✓		

Having fully considered the report, and the vote of the Committee it was subsequently

**RESOLVED – T H AT** the conclusions and recommendations in the Inspector’s Report be accepted and the Application to register the Land as a town or village green be refused because the Applicant had failed to satisfy the statutory tests under section 15(2) of the 2006 Act.

Reason for decision

In order for the Council as Commons Registration Authority to discharge its duty to determine the Application in accordance with the 2006 Act and the Commons (Registration of Town or Village Greens) (Interim Arrangements) (Wales) Regulations 2007.

**148 APPLICATION FOR APPROVAL AS AN AUTHORISED HACKNEY CARRIAGE METER TESTER - A2Z TAXI VALE OF GLAMORGAN LTD (DEH) –**

The Senior Licensing Enforcement Officer presented the report which sought Members' approval to approve an additional approved meter tester which will provide Hackney Carriage proprietors in the Vale of Glamorgan with greater choice of approved meter testers.

The Chair asked for any questions, comments or matters of clarification from the Committee. No matters were raised.

Having fully considered the report, it was subsequently

RESOLVED – T H AT the application from A2Z Taxi Vale of Glamorgan Ltd be approved.

Reason for decision

To provide Hackney Carriage proprietors in the Vale of Glamorgan with greater choice of approved meter testers.

149 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.

150 GRANT OF LICENCES – JW (DEH) – (EXEMPT INFORMATION – PARAGRAPHS 12, 13 AND 14) –

Committee were asked to determine an application for the grant of Hackney Carriage and Private Hire Vehicle Driver Licences.

The Senior Licensing Enforcement Officer confirmed with JW that he had received a copy of the report in advance of the meeting and presented the report which sought determination whether JW was a fit and proper person to hold Vale of Glamorgan Hackney Carriage and Private Hire Vehicle Driver Licences.

The report provided detail concerning the applicant's previous Hackney Carriage and Private Hire Driver licences with this Authority which were revoked on 9th January, 2018 following a drink driving conviction, other matters that fell within the conviction policy, and information provided through Driver and Vehicle Licensing Agency (DVLA) records.

The Senior Licensing Enforcement Officer reminded Members of the Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades issued on 3<sup>rd</sup> September, 2019 which stated that a licence would not be granted until at least 7 years had elapsed since the completion of any sentence or driving ban imposed, which in this case would be in 2026.

Members were asked to consider whether there were any mitigating circumstances they wished to take into consideration and whether the applicant was a fit and proper person to hold Hackney Carriage and Private Hire Vehicle Driver Licences.

Following the Officer's presentation of the report, the Principal Legal Officer asked the applicant if there were any mitigating factors for the Committee to consider granting him the licences.

The applicant said he had made a huge mistake and had admitted the same but had completed the required course and was asking for a second chance.

The Chair invited all present if there were any questions they wished to ask.

The appellant's representative said that the appellant had been nervous about coming before the Committee but was desperate to get his licences back and move on.

One Member asked if the incident in question had been an isolated incident, or had there been any similar past convictions. The Senior Licensing Enforcement Officer advised that previous matters had been considered in 2016 as part of another application and the matter referred to a conviction dated 23 November, 2012 for failing to report an accident on 13 April, 2012. It was also confirmed that the applicant was not driving a taxi as part of the conviction but was in a private vehicle.

There were no further questions and the applicant was asked to withdraw from the meeting. Following this, the Committee then deliberated the matter in private before inviting the applicant back to hear the outcome of the Committee's deliberations.

The Principal Lawyer outlined the Committee's decision as follows:-

The committee resolved to not grant the licence as they were not satisfied that the applicant was a fit and proper person in accordance with the legal test as set out in the report. The applicant offered no reason as to why the committee should depart from its policy on the treatment of previous convictions. They were not satisfied that there was any justification for dis-applying the policy in relation to the disqualification from driving offence, noting that 7 years has not yet elapsed from the conviction and no compelling argument to justify departing from the policy could be established. The applicant was advised that he would receive formal notification of the decision in writing.

Having fully considered the report, it was subsequently

**RESOLVED – T H A T** after careful consideration of the facts of the Report and the Council's policy, and after hearing from JW, Members determined that JW was not a fit and proper person to hold Hackney Carriage and Private Hire Vehicle Driver Licences.

#### Reason for decision

To ensure decisions of the Licensing Authority are consistent with its Guidance on determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades, in respect of Driver's Licences.