



TAXI AND GENERAL SUB COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON THURSDAY, 19TH OCTOBER 2017 AT 1.30 P.M.

PRESENT:

Councillors:

W. David, K. Etheridge, Ms J. Gale

Together with:

L. Morgan (Licensing Manager), A. Dicks (Assistant Licensing Manager), K. Hopkins (Senior Licensing Administrator), J. Thomas (Licensing Administrator), S. Ead (Solicitor) (part of meeting), T. Rawson (Solicitor) (part of meeting), R. Barrett (Committee Services Officer)

Representing Social Services

N. Barrett (Officer)

Representing Gwent Police

DC S. Arthur, PC328 K. Williams, PC D. Allen (part of meeting), K. Thomas (part of meeting)

Representing the Applicant

Mr H (Street Trading Applicant) and a family member

1. ELECTION OF CHAIR

The Legal Advisor advised the Sub Committee that due to the unavailability of both the Chair and Vice-Chair for this meeting, they needed to elect a Member to preside as acting Chair. The Sub Committee unanimously voted to elect Councillor Wynne David to preside as Chair for the duration of the meeting.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

Mrs S. Ead (Solicitor) made it known to those present that she recognised the applicant from the local area. As such, Mr T. Rawson (Solicitor) took her place as Legal Advisor to the Sub Committee for the remainder of the meeting.

4. EXEMPT MATTER

Members considered the public interest test certificate from the Proper Officer and concluded that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information and it was

RESOLVED that in accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the remainder of the meeting because of the likely disclosure to them of exempt information as identified in paragraph 12 of Part 4 of Schedule 12A of the Local Government Act 1972.

The Sub Committee sought clarification from all parties on their reasons for being at the meeting. They determined that two of the representatives from Gwent Police could be classed as members of the public and should therefore be excluded from the remainder of the meeting. These representatives (PC D. Allen and K. Thomas) left the meeting at this point.

5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING CONSENT

It was explained to the Sub Committee that an application had been received from Mr H for a street trading consent, and as part of the application process, he provided a basic disclosure certificate which identified a conviction for a serious offence.

In accordance with the Council's Street Trading Policy adopted in January 2011, where an applicant has any unspent criminal convictions, or who is considered unsuitable for any other reasons, they are required to attend the Taxi and General Sub Committee. Similarly, where relevant representations have been received, the application will be referred to the Sub Committee for determination. It was noted that representations had been received from Gwent Police and Social Services in objection to the application and were appended to the meeting papers.

The Taxi and General Sub Committee considered the report of the Assistant Licensing Manager and heard representations from Gwent Police, Social Services and Mr H in relation to the circumstances surrounding the conviction.

Having regard to the Officer's report and all the representations made, the Sub Committee unanimously RESOLVED that the application for the street trading consent be refused. The Sub Committee were not convinced, on the strength of the evidence and submissions presented by the applicant, that he is a fit and proper person to hold a street trading consent.

In making their decision, the Sub Committee took into account the Council's Street Trading Policy, and had particular regard to safeguarding considerations and the need to ensure public safety. The Sub Committee accepted on the balance of probabilities that the applicant had engaged in activities and offences that renders him unfit to hold a street trading consent.

Mr H was informed that there is no right of appeal to the Magistrates Court on the decision made by the Sub Committee.

The Chair thanked all parties for their attendance and the meeting closed at 3.16 p.m.

CHAIR