



TAXI AND GENERAL SUB COMMITTEE

MINUTES OF THE MEETING HELD AT RHYMNEY ROOM, PENALLTA HOUSE,
TREDOMEN, YSTRAD MYNACH ON THURSDAY, 9TH MARCH, 2017 AT 10.00 AM

PRESENT

Councillor D.W.R. Preece – Chair
Councillor – Vice-Chair

Councillors:

D. Bolter and A. Lewis

Together with:

M. McSherry (Licensing Manager), J. Lloyd (Senior Licensing Administrator), T. Helps (Licensing Administrator), S. Ead (Solicitor), R. Barrett (Committee Services Officer)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

3. HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE LICENCES

The Taxi and General Sub Committee unanimously RESOLVED that:-

1. For the reasons outlined at the meeting and to the driver when present, hackney carriage licence noXXX, registration no. XXXX, held by XXXX of XXXX, XXXX, Cardiff, be allowed to continue. On the basis of the evidence supplied by XXXX, the Sub Committee were satisfied that he was operating predominantly within the Caerphilly area as per the Council's Intended Use Policy.
2. For the reasons outlined at the meeting and to the driver when present (and following inspection of the vehicle), the licensed seating capacity of existing hackney carriage licence no. XXX, registration no. XXXX, held by XXXX of XXXX, XXXX, Croespenmaen, be increased to carry 6 passengers. The Sub Committee were of the view that there was adequate knee space within the vehicle and reasonable access to all the seating areas.

3. For the reasons outlined at the meeting and to the driver when present (and following inspection of the vehicle), the licensed seating capacity of existing hackney carriage licence no. XXX, registration no. XXXX, held by XXXX of XXXX, XXXX, Croespenmaen, be increased to carry 8 passengers. The Sub Committee were of the view that there was adequate knee space within the vehicle and reasonable access to all the seating areas.

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.

5. LICENSING OF HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS

Following discussion with the Legal Advisor and the Taxi and General Sub Committee, it was agreed that the family member accompanying Mr X (together with his legal representative) be permitted to remain in the meeting room for the duration of the exempt session.

Members were informed that information had been received which suggested that a licensed driver may no longer be considered fit and proper to hold a hackney carriage/private hire vehicle driver's licence, and therefore the matter had been referred to the Sub Committee for determination.

It was explained that the Authority has received notification from Gwent Police that Mr X has been reported for a serious driving offence whilst driving his personal vehicle. In light of this information, the Licensing Authority are required under the Local Government (Miscellaneous Provisions) Act 1976 to consider and determine whether the individual remains a fit and proper person to hold a hackney carriage/private hire vehicle driver's licence.

The Sub Committee considered the report of the Licensing Manager and the information from Gwent Police attached to that report in relation to the allegations made against Mr X. The Sub Committee carefully listened to Mr X's explanation of the incident in question, and considered the verbal submissions made by his legal representative in relation to the circumstances surrounding the incident, the subsequent police action, and ongoing legal proceedings.

Having regard to the Officer's report and all the representations made, the Sub Committee, by the majority present (and in noting there was 1 against) RESOLVED that Mr X be allowed to retain his existing licence.

In making their decision, Members held serious concerns regarding a delay by Gwent Police in reporting the matter to the Authority. It was noted that since the incident, Mr X has continued to operate as a taxi driver without any issues or complaints and has been licenced for four years without any issues. The Sub Committee concluded that on the balance of probabilities and on the basis of the limited police information available, the driver remains a fit and proper person to hold a hackney carriage/private hire vehicle driver's licence.

The meeting closed at 1.20 p.m.

CHAIR