

No.

PUBLIC PROTECTION LICENSING COMMITTEE

Minutes of a meeting held on 12th February, 2020.

Present: Councillor J.W. Thomas (Chairman); Councillor O. Griffiths (Vice-Chairman); Councillors Ms. J. Aviet, Mrs. J.E. Charles, R. Crowley, Mrs. P. Drake, Mrs. A. Moore, M.J.G Morgan, Mrs. J.M. Norman, Mrs. R. Nugent-Finn, L.O. Rowlands, Mrs. M.R. Wilkinson and Mrs. M. Wright.

Also present: Councillor A.D. Hampton.

668 APOLOGIES FOR ABSENCE –

These were received from Councillors K.F. McCaffer and S.T. Wiliam.

669 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 14th January, 2020 be approved as a correct record.

670 DECLARATIONS OF INTEREST –

No declarations were received.

671 ADOPTION OF THE NATIONAL REGISTER OF TAXI LICENCE REVOCATIONS AND REFUSALS (NR3) (DEH) –

The Operational Manager for Shared Regulatory Services presented the report, the purpose of which was to advise the Committee of the functionality of the NR3 register, to seek their approval to participate in the initiative and for the approval of a policy to cover the use of NR3, as well as to seek approval to undertake a three week consultation on the proposal with taxi trade representatives.

The Officer continued by advising that the Local Government Association (LGA) had commissioned the development of the Register, the aim of which was to assist Local Authorities in determining whether applicants were ‘fit and proper’ to obtain a licence. The Register would be a mechanism enabling Licensing Authorities to share details of individuals who had had a hackney carriage / private hire driver’s licence revoked, or an application for one refused, and it would be hosted by National Anti-Fraud Network (NAFN). The NAFN and LGA Guidance on the use and adoption of the Register was detailed in Appendix A to the report.

Until the establishment of the Register, the Officer stated that unless it was disclosed by the applicant, the Licensing Authority had no consistent way of knowing if that applicant had previously been refused or revoked by another Licensing Authority.

No.

This meant that in determining whether an applicant was a 'fit and proper' person to hold a licence, vital information in the interest of public safety could have been missed. It was therefore envisaged that the Register would provide a consistent approach towards licensing, increase confidence in the suitability of applicants, and potentially increase public safety through assisting the refusal of unsuitable applicants to the taxi / private hire trade.

The Officer went on to clarify how the Register would be used, noting that when a grant or renewal application for a hackney carriage / private hire driver's licence was received, Licensing Authority officers would undertake a search of the NR3 Register. If the search concluded a positive result on the Register, a request would be made to the Local Authority that made the entry for further information to determine the applicant's suitability. The Shared Regulatory Service would retain records of all searches conducted on the NR3 Register and a separate record would be made of all requests for information from other Local Authorities. All new application forms would be amended to reflect the use of the NR3 Register, and anyone added to the Register would be informed in writing. A draft policy on the use of NR3 was detailed in Appendix B to the report.

As the NR3 Register would involve the processing of personal data, the General Data Protection Regulation and Data Protection Act 2018 principles would need to be followed, and the Officer advised that the Licensing Section had published a privacy Notice showing how personal data collected during the licensing process was used. If the proposal was approved, the Officer advised that the Notice would be updated to include processing of personal data in connection with NR3. A Data Protection Impact Assessment (DPIA) and / or screening would also be undertaken to help identify and minimise the data protection risks of the proposal.

A Committee Member asked for confirmation of her understanding that the recommendations of the report were that this proposal be agreed in principle by Committee Members in the current meeting, then subsequently be subject to a consultation with taxi trade representatives before coming back to Committee for final approval, to which the Officer confirmed that this was correct.

A Committee Member then asked whether the process of using the Register would be uniform amongst all Local Authorities who had adopted it and whether decisions would stand from area to area, to which the Chairman clarified that the purpose of adopting the Register was to provide Local Authorities with information relating to historical decisions regarding the revocation of licences or refusal of applications, rather than to determine the outcome of pending decisions directly. The Officer wished to further clarify that any Local Authority using the Register that wished to obtain further information regarding a previous decision made by another Local Authority would need to submit a Data Access Request to them and, having received the information regarding the decision in question, would be able to assess applications for licences as appropriate. It was also clarified that the Local Authority would not be obliged to agree with or act upon a historical decision made elsewhere. The purpose of the Register would be to provide Licensing Authorities with more detailed contextual information about applicants before reaching decisions regarding their applications.

No.

There being no further questions, it was subsequently

RESOLVED –

- (1) T H A T participation in the National Register of Taxi Licence Revocations and Refusals (NR3) initiative be approved in principle.
- (2) T H A T a three week consultation on the proposal with taxi trade representatives be approved.

Reason for recommendations

(1&2) To ensure that applicants for taxi and private hire vehicle driver licences meet the fit and proper criteria and to support public safety.

672 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.

673 DISCIPLINARY FOR EXISTING DRIVER – S (DEH) (EXEMPT INFORMATION – PARAGRAPHS 12, 13 AND 14) –

The Senior Licensing Enforcement Officer presented the report, the purpose of which was to determine whether S was a fit and proper person to hold a Vale of Glamorgan Hackney Carriage and Private Hire Vehicle Driver Licence.

The Officer began by outlining S's historical breaches of his Licencing conditions. In October 2018 the Licensing Office had received a complaint from two members of the public who had been paying customers in S's licensed vehicle, and on 1st April, 2019 the Licensing Office had received a complaint from an employee at Cardiff International Airport in relation to S's conduct whilst driving a Vale of Glamorgan licensed vehicle. S had received a written warning and a reminder letter regarding his conduct and behaviour in relation to the two above incidents respectively.

The Officer then apprised the Committee of further allegations of non-compliance on S's part that had occurred more recently. In October 2019 the Licensing Office received a complaint from S's employer, who advised that a customer who had booked a journey with the company on 12th October, 2019 had subsequently contacted the operator with concerns that they were not in a genuine taxi, as the company's signage as well as the Council's door stickers were missing. According to the company's records, the driver booked for the journey was S and the vehicle allocated was a Hackney Carriage (HC) of which he was the proprietor. The

No.

employer stated that on 14th October, 2019, he had questioned S regarding the matter who had advised that the allocated HC vehicle had broken down, and that he had therefore obtained a leased Private Hire (PH) Vehicle on Friday 11th October, 2019. The employer stated that he had notified S of the requirement for signage to be displayed on the vehicle.

The Officer then reminded the Committee that condition number 9 of the Vale of Glamorgan's Conditions for Private Hire Vehicles specified that the proprietor and / or driver shall at all times ensure that there shall be clearly displayed on the centre or upper part of each front door of the vehicle, the adhesive private hire identification sticker supplied by the Licensing Authority, and that the stickers must be permanently fixed to each door with the identification sticker's adhesive backing.

When questioned by the Local Authority regarding this matter on 14th November, 2019, S advised that the only booking he took for the PH vehicle was on 12th October, 2019, which was the booking referred to above. However, on 11th December, 2019 a Police Administrator submitted a witness statement and exhibits showing the same PH Vehicle being driven on a number of occasions between 8th October, 2019 and 12th October, 2019 with no door stickers.

In relation to a separate incident of non-compliance, the Officer advised that on 11th November, 2019 S attended the Civic Offices to apply for the renewal of his Hackney Carriage / Private Hire Vehicle Driver's Licence, and on the same occasion he had produced a form pertaining to a Change of Address. S had also produced a copy of a bank statement as proof of his new address, however following enquiries raised with the Bank by the Officer, it was confirmed that the address on the statement reflected S's address as listed with the bank on a date months prior to the submission of his Change of Address form.

The Officer subsequently reminded the Committee that condition number 4 of a Hackney Carriage and Private Hire Driver's Licence required that a licence holder notify the licensing authority of any change of name, address or employer within seven days of the change.

The Officer then drew the Committee's attention to Supplementary Information that had been provided in relation to S's involvement in a personal injury claim. On 23rd June, 2018 a collision had occurred between the Claimant and a Vale of Glamorgan HC vehicle being driven by S. The claim was heard on 23rd January, 2020 and had been upheld in its entirety.

The Chairman then invited S to make a verbal representation regarding the events described in the report and following this, Members of the Committee questioned S in relation to the content of his representation and the report and sought clarity on a number of current and historical matters after which the Committee deliberated the matter in private.

Following the Committee's deliberations, S, the Senior Licensing Enforcement Officer and the Operational Manager for Shared Regulatory Services were invited back into the room for the Committee's decision.

No.

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

RESOLVED –

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

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

Reasons 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 S is reminded of his responsibility to maintain awareness of and abide by all conditions subject to the terms of his licence.