

## **PUBLIC PROTECTION LICENSING COMMITTEE**

Decision Notice – Meeting, 16<sup>th</sup> November, 2021.

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

**Present:** Councillor J.W. Thomas (Chair); Councillor P. Drake (Vice-Chair);  
**Councillors:** J. Aviet, J.E. Charles, V.P. Driscoll, O. Griffiths, K.F. McCaffer,  
M.J.G. Morgan, R. Nugent-Finn and S.T. Wiliam.

### **AGENDA ITEM 1. APOLOGIES FOR ABSENCE –**

These were received from Councillors R. Crowley, A. Moore, J.M. Norman, M.R. Wilkinson and M. Wright.

### **AGENDA ITEM 2. MINUTES –**

**RECOMMENDED – T H A T** the minutes of the meeting held on 21<sup>st</sup> September, 2021 be approved as a correct record.

### **AGENDA ITEM 3. DECLARATIONS OF INTEREST –**

No declarations of interest were received.

### **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.

### **AGENDA ITEM 5. DETERMINATION OF RENEWAL OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCES – W (DEH) (EXEMPT INFORMATION – PARAGRAPHS 12, 13 AND 14) –**

**RESOLVED – T H A T** Committee was not satisfied that W was a fit and proper person to hold Hackney Carriage and Private Hire Vehicle Driver Licences, and that the Driver Licence renewal application be refused.

### **Reasons for decision**

Committee considered the report and evidence presented by Licensing Officers, Vale of Glamorgan Council's (the authority) adopted standards expected of taxi drivers to promote public safety, the conditions attached to every driver's licence

issued by the authority, the provision within the Local Government Miscellaneous Provisions Act 1976 which stated "Provided that a district council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold a drivers licence ", the mitigation offered by the applicant and his union representative and the character references distributed to members by email.

Members were concerned with W's previous conduct, particularly the pattern of offending for speeding and not notifying the authority of these offences, as required by the conditions attached to his licence. This was despite a final warning given by Licensing Committee in 2017 and a further warning given by Officers on 6<sup>th</sup> October 2020. There was a further offence in November 2020.

Members were also concerned that on the application form currently being considered at question 8b, which asked if the applicant had been cautioned or convicted of any motoring offence or received any type of fixed penalty notice since his last application, the answer was 'none' and the form was signed by W.

W also had a history of poor maintenance of his vehicle at MOT tests and when checked by Officers carrying out roadside compliance checks. Of particular concern were a number of issues with dangerously worn tyres, which were clearly the duty of the driver to check on a regular basis.

Members took the mitigation presented by W into account and were sympathetic, however the test used by Members to assess the fitness and propriety of an applicant for Hackney Carriage and Private Hire Vehicle Driver Licences was:-

"Would you (as a member of the Licensing Committee or other person charged with the ability to grant Hackney Carriage and Private Hire Driver Licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom you care, to get into a vehicle with this person"

The main concern of the Public Protection Licencing Committee was the safety of the public and, with that in mind and using the above test, Members agreed unanimously that they did not consider W to be a fit and proper person to hold Hackney Carriage and Private Hire Vehicle Driver Licences.

The Chair informed W that he had the right to appeal the decision to the Cardiff and Vale Magistrates Court within 21 days of this decision.