

## **PUBLIC PROTECTION LICENSING COMMITTEE**

Minutes of a remote meeting held on 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.

### **542 APOLOGIES FOR ABSENCE –**

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

### **543 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.

### **544 DECLARATIONS OF INTEREST –**

No declarations of interest were received.

### **545 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.

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

Committee was asked to determine whether W was a fit and proper person to hold  
Vale of Glamorgan Hackney Carriage and Private Hire Vehicle Driver Licences. W  
was present in support of the application and was accompanied by a supporting  
family member and his trade union representative.

The Licensing Team Manager summarised the report which provided detail  
regarding a number of historical failures by W to notify the Local Authority of  
speeding offences, a failure to disclose previous relevant offences upon applying for  
the Licences in question, and historical poor maintenance of W's vehicle when

presented for MOT tests or roadside compliance tests by Officers. Several character references had been submitted in support of W's application and circulated to Members for their consideration ahead of the meeting.

Following the Officer's presentation of the report, the Chair invited W, his family member and trade union representative to address Committee in order to make a verbal representation regarding the events described in the report, and Committee was provided with detail regarding W's mitigating personal circumstances.

Members of the Committee subsequently questioned W and his supporting family member in relation to the contents of their representations and the report, and sought clarity on a number of current and historical matters. Following this, W, his family member, his trade union representative, the Licensing Team Manager and the Senior Licensing Enforcement Officer disconnected from and vacated the meeting, and Committee deliberated the matter in private.

Following Committee's deliberations, all parties reconnected to the meeting in order to be advised of the Committee's decision.

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.