

**COUNTY BOROUGH OF BLAENAU GWENT**

<b>REPORT TO:</b>	<b><u>THE CHAIR AND MEMBERS OF THE COUNCIL</u></b>
<b>SUBJECT:</b>	<b><u>SPECIAL PLANNING, REGULATORY &amp; GENERAL LICENSING COMMITTEE – 17<sup>TH</sup> SEPTEMBER, 2019</u></b>
<b>REPORT OF:</b>	<b><u>LEADERSHIP AND DEMOCRATIC SUPPORT OFFICER</u></b>

PRESENT: COUNCILLOR B. SUMMERS (CHAIR)

Councillors D. Bevan  
D. Hancock  
W. Hodgins  
J. P. Morgan  
K. Pritchard  
K. Rowson  
T. Smith  
B. Thomas  
B. Willis

WITH: L. Griffin – Team Manager – Licensing & Commercial  
H. Jones – Senior Licensing Officer  
M. Woodland – Solicitor

**DECISIONS UNDER DELEGATED POWERS**

<b><u>ITEM</u></b>	<b><u>SUBJECT</u></b>	<b><u>ACTION</u></b>
<b>No. 1</b>	<b><u>SIMULTANEOUS TRANSLATION</u></b>  It was noted that no requests had been received for the simultaneous translation service.	

<b><u>ITEM</u></b>	<b><u>SUBJECT</u></b>	<b><u>ACTION</u></b>
<b>No. 2</b>	<p><b><u>APOLOGIES</u></b></p> <p>Apologies for absence were received from:-</p> <p>Councillors G. L. Davies, M. Moore, G. Thomas and D. Wilkshire</p>	
<b>No. 3</b>	<p><b><u>DECLARATIONS OF INTEREST &amp; DISPENSATIONS</u></b></p> <p>There were no declarations of interest or dispensations reported.</p>	
<b>No. 4</b>	<p><b><u>ACTIVITIES REPORT FOR QUARTER 1 – 2019/2020</u></b></p> <p>Consideration was given to the report of the Team Manager – Licensing and Commercial.</p> <p>The Chair introduced Lisa Griffin, the Team Manager – Licensing and Commercial who had replaced the previous Team Manager as she had returned to Torfaen. The Chair proposed that a letter of thanks and appreciation be sent to her on behalf of the Committee.</p> <p>RESOLVED accordingly.</p> <p>At this juncture, the Team Manager – Licensing and Commercial noted the report which provided an update on the work of the Licensing Team for Quarter 1. The Team Manager referred to the operational report which gave an overview of the continued meetings held with the local Taxi Association which had been well received and positive. The Team Manager added that a request had been received at a previous meeting of the association to access licence applications online and it was advised that although this action had been delayed due to workloads, it would now be taken forward and a response would be provided to traders once this service was available.</p>	<b>CLEB</b>

<u>ITEM</u>	<u>SUBJECT</u>	<u>ACTION</u>
	<p>In terms of the management report, the Team Manager – Licensing and Commercial advised that work on the draft polices for Member consultation in respect of Charitable Collections and Sex Establishments would be delayed until the quarter 4 reporting.</p> <p>A Member referred to the street trading applications and said he was aware of one which would have been received, however it was not contained within the report. The Licensing Officer confirmed that the application had been received but due to the date of receipt of the application would have to be reported in Quarter 2.</p> <p>FURTHER RESOLVED, subject to the foregoing, that the report be accepted and the information contained therein be noted.</p>	
<b>No. 5</b>	<p><b><u>ANY AREAS FOR MEMBER TRAINING/BRIEFINGS</u></b></p> <p>A Member suggested that any changes be provided to the Committee as when appropriate, either as briefing note, report or training sessions.</p>	
<b>No. 6</b>	<p><b><u>SCHEDULE OF APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES</u></b></p> <p>Having regard to the views expressed by the Proper Officer regarding the public interest test, that on balance the public interest, in maintaining the exemption, outweighed the public interest in disclosing the information and that the report should be exempt.</p> <p>RESOLVED that the public be excluded whilst this item of business is transacted as it was likely there would be a disclosure of exempt information as defined in Paragraphs 12 &amp; 14, Schedule 12A of the Local Government Act 1972.</p> <p>The Chair welcomed everyone to the meeting and introductions were made accordingly.</p>	

<u>ITEM</u>	<u>SUBJECT</u>	<u>ACTION</u>
	<p data-bbox="325 327 735 365"><u>New Licence Application</u></p> <p data-bbox="325 412 1283 748">The Senior Licensing Officer reported that the meeting had been convened to review a Hackney Carriage and Private Licence. The Officer provided Members with information in relation to the applicant and offences committed and said it was the Committee's duty to decide whether the applicant be granted a licence for full period of 36 months or any other period the Committee saw fit or to refuse the application.</p> <p data-bbox="325 779 1283 860">The Chair introduced the applicant and invited the applicant to explain the circumstances of the offence.</p> <p data-bbox="325 891 1283 1435">The applicant provided a detailed account of the offence and expressed her deep regret for her actions at that time. The applicant took full responsibility for her actions which took place 6 years ago and advised that her actions was in defence of a friend and the incident happened very quickly. The victim whilst sustaining an injury had made a full recovery - the applicant advised that this was not an excuse for her actions which she regretted and was very sorry and ashamed of her actions. The Applicant added that her case had been heard in Crown Court and she pleaded guilty upon arrest upon which she had received aa suspended custodial sentence.</p> <p data-bbox="325 1467 1283 1765">The applicant continued that she had been caring for her mother for a number of years before she passed away and she was now looking for full time employment. She had previously worked with the Taxi firm owner and she felt that this position would suit her commitments with her son and she could bring her knowledge and experience from her previous role as a delivery driver.</p> <p data-bbox="325 1809 1283 1890">At this juncture, the Solicitor read out references which had been received in support of the applicant.</p> <p data-bbox="325 1921 1283 2002">A discussion ensued when Members sought clarification from the Applicant regarding the offence.</p>	

<u>ITEM</u>	<u>SUBJECT</u>	<u>ACTION</u>
	<p>The Applicant left the meeting whilst Members considered the application.</p> <p>Following consideration by Members the Applicant was invited to re-join the meeting and at the request of the Chair the Solicitor read out the decision of the Committee as follow:-</p> <p>The application before the Committee was made by the Applicant for a New Hackney Carriage Driver's Licence/ Private Hire Vehicle licence. The Licensing Officer addressed Members and informed them that they could grant the Licence for up to a period of 36 months or refuse the application and that Members needed to decide if the Applicant was a fit and proper person to hold a Hackney Carriage Driver's Licence. The Committee note from a DBS check supplied to them by the Licensing Department that the Applicant has a conviction for an offence committed in 2013. The Applicant explained matters surrounding the commission of the offence to Members and offered explanation by way of mitigation in relation to her actions at that time.</p> <p>The Committee had considered the evidence placed before them and when reaching its decision, the Committee had also considered the previous conviction, the representations made by the Applicant, the Licensing Officers present at Committee, and had taken into consideration matters contained within the Council's Information and Guidance Booklet including conditions relating to Hackney Carriage Driver's Licenses and Private Hire Vehicle Licenses.</p>	

<u>ITEM</u>	<u>SUBJECT</u>	<u>ACTION</u>
	<p>The Committee were of the opinion that the Applicant was a fit and proper person to hold a Hackney Carriage Driver's Licence and the Committee therefore granted the application for a period of 36 months subject to the proviso that should the Applicant commit any further offences during the period of the Licence she could be brought back before the Committee and the Licence could be revoked at that time</p> <p>RESOLVED, subject to the foregoing, that the Hackney Carriage and Private Licence be granted.</p>	
	<p><u>New Licence Application</u></p> <p>The Senior Licensing Officer reported that the meeting had been convened to review a Hackney Carriage and Private Licence. The Officer provided Members with information in relation to the applicant and offences committed and said it was the Committee's duty to decide whether the applicant be granted a licence for full period of 36 months or any other period the Committee see fit or if they choose to refuse the application.</p> <p>The Chair introduced the applicant and Members introductions were made accordingly. The Chair further welcomed the Applicant and invited him to explain the circumstances of the offence.</p> <p>The Applicant advised that the offences had been made during his youth but was unable to recall the number of offences that had taken place. These offences had taken place over 15 years ago, he now had a family with children aged 15 and 13 and had a lot more empathy and compassion than he did during his youth. He added that his mother had recently been admitted to a care home due to dementia and he himself had health issues and he felt that these life experiences had changed his outlook.</p>	

<b><u>ITEM</u></b>	<b><u>SUBJECT</u></b>	<b><u>ACTION</u></b>
	<p>At the invitation of the Chair, the Applicant gave Members a brief explanation of the circumstances around offences committed in 2002 and 2005.</p> <p>At this juncture Members were invited to raise questions.</p> <p>A Member asked if the Applicant had previously applied for a Hackney Carriage and Private Licence as the information presented noted that this was to be confirmed.</p> <p>The Senior Licensing Officer advised that the Applicant had previously applied for a Licence in 2014; however there was no record of this application on the system.</p> <p>The Applicant concurred that he had attended a Committee meeting in 2014; however the application had been refused. The Applicant recalled that all the same information had been presented.</p> <p>The Chair asked the Applicant for reasons as to why he feels that the application should be granted.</p> <p>The Applicant reiterated that he had experienced a great deal of life changing experiences which he felt had made him a more understandable person. He had applied for the Licence in order to provide for his family.</p> <p>The Applicant explained his health issues and advised that with arthritis many occupations were not feasible, however being a Taxi Driver would be suitable as the car was warmer and he would be able to work hours that was suitable to his family life.</p> <p>The applicant confirmed that if the Hackney Carriage and Private Licence was granted the Applicant would have an offer of immediate work with a local Taxi Company.</p>	

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	<p>At this juncture, the Solicitor read out reference which had been received in support of the applicant.</p> <p>The Applicant left the meeting whilst Members considered the application.</p> <p>Following consideration by Members the Applicant was invited to re-join the meeting and at the request of the Chair the Solicitor read out the decision of the Committee as follows:-</p> <p>The application before the Committee was made by the Applicant for a New Hackney Carriage Driver's Licence/Private hire Licence.</p> <p>The Licensing Officer addressed Members and informed them that they could grant the Licence for up to a period of 36 months or refuse the application and that Members needed to decide if the Applicant was a fit and proper person to hold a Hackney Carriage Driver's Licence.</p> <p>The Committee noted from a DBS check supplied to them by the Licensing Department that the Applicant had convictions for offences; the last offence was committed in 2005. The Applicant offered explanation concerning matters that led to the commission of these offences to Members present, and offered explanations by way of mitigation in relation to his actions stating that he was extremely sorry for his offending.</p> <p>The Committee having considered the evidence placed before it and when reaching its decision, the Committee had also considered the previous convictions, the representations made to us today by the Applicant, the Licensing Officers comments and taken into consideration matters contained within the Council's Information and Guidance Booklet including conditions relating to Hackney Carriage Driver's Licenses and Private Hire Vehicle Licenses.</p>	



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	<p>The Committee were of the opinion that the Applicant was a fit and proper person to hold a Hackney Carriage Driver's Licence and the Committee therefore granted the application for a period of 36 months subject to the proviso that should the Applicant commit any further offences during the period of the Licence he could be brought back before the Committee and the Licence could be revoked at that time.</p> <p>RESOLVED accordingly,</p> <p>RESOLVED, subject to the foregoing, that the Hackney Carriage and Private Licence be granted.</p>	