

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO:	<u>THE CHAIR AND MEMBERS OF THE COUNCIL</u>
SUBJECT:	<u>PLANNING, REGULATORY & GENERAL LICENSING COMMITTEE (GENERAL LICENSING MATTERS)</u> <u>18TH DECEMBER, 2019</u>
REPORT OF:	<u>DEMOCRATIC SERVICES OFFICER</u>

PRESENT: COUNCILLOR B. SUMMERS (CHAIR)

Councillors: W. Hodgins
K. Pritchard
K. Rowson
T. Smith
B. Willis

WITH: S. Burchell – Licensing Enforcement Officer
H. Jones – Senior Licensing Officer
M. Woodland – Solicitor Commercial Services

DECISIONS UNDER DELEGATED POWERS

<u>ITEM</u>	<u>SUBJECT</u>	<u>ACTION</u>
No. 1	<u>SIMULTANEOUS TRANSLATION</u> It was noted that no requests had been received for the simultaneous translation service.	
No. 2	<u>APOLOGIES</u> Apologies for absence were received from Councillors M. Moore, J.P. Morgan, D. Wilkshire, L. Winnett.	
No. 3	<u>DECLARATIONS OF INTEREST & DISPENSATIONS</u> No declarations of interest or dispensations were reported.	

No. 4	<p data-bbox="339 192 1313 280"><u>SCHEDULE OF APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES</u></p> <p data-bbox="339 324 1313 537">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 data-bbox="339 582 1313 795">RESOLVED that the public be excluded whilst this item of business is transacted as it is likely there would be a disclosure of exempt information as defined in Paragraph 14, Part 1, Schedule 12A of the Local Government Act, 1972 (as amended).</p> <p data-bbox="339 840 1313 918">Consideration was given to report of the Team Manager Licensing and Commercial, whereupon:-</p> <p data-bbox="339 963 1313 1041"><u><i>Application for a new Hackney Carriage/Private Hire Vehicle Driver's Licence</i></u></p> <p data-bbox="339 1086 1313 1344">At the invitation of the Chair, the Senior Licensing Officer explained that the application before Committee was for a Hackney Carriage/Private Hire Vehicle Driver's Licence. Members were informed that the applicant had previously held a Hackney Carriage Driver's Licence on two separate occasions, the most recent Licence lapsed in 2011.</p> <p data-bbox="339 1388 1313 1556">It was noted from the DBS records that the applicant had convictions for previous offences, and the applicant explained the circumstances of the offences to Members, all of which were committed a number of years ago.</p> <p data-bbox="339 1601 1313 1724">The applicant informed the Committee that should she be granted a licence, she would become employed with a local taxi firm in the Nantyglo area.</p> <p data-bbox="339 1769 1313 2107">Members considered the evidence, taking into account the previous convictions and the representations made by the applicant and the Senior Licensing Officer. Consideration was also given to the Council's convictions policy relating to Hackney Carriage and Private Hire Vehicle Licences. The Committee was of the opinion that the applicant was a fit and proper person to hold a Hackney Carriage Driver's Licence, and it was therefore</p>
-------	--

RESOLVED that the Licence be **GRANTED** for a period of 3 years.

Review of Hackney Carriage/Private Hire Vehicle Driver's Licence

The Licensing Enforcement Officer explained that the matter had been brought before the Committee to review a Hackney Carriage/Private Hire Vehicle Driver's Licence, following a complaint received from a member of the public on the 3rd November, 2019 that the Licence-holder had overcharged a customer.

The Officer explained that the complainant was a disabled 72 year old lady, and had hired the licence-holder for a journey on the 25th October, 2019 from Nantyglo to the Learning Action Centre in Ebbw Vale and a return trip. The Licence-holder had charged the lady £40 for the journey, and the lady paid £35 as this was all the money she had in her possession at the time.

The Officer informed Members that calculated on a meter the charge for the journey should have cost in the region of £19 to £22. Following the complaint being received by the Licensing Department, the Licence-holder was asked to attend an informal meeting. At that meeting the Licence-holder did not deny the charge levied against him, and added that he had travelled from Six Bells, Abertillery to pick up the fare and this was the reason for the extra charge. The Licensing Officer had explained that this was not allowed and that all fares should be recorded by the meter in the taxi, and the meter should not start until the driver picks up a fare.

The Licence-holder was then invited to attend the meeting under caution, and the Officer outlined the comments of the interview to Members. The offence outlined was that of overcharging and the Licensing Officer also stated that by not using the meter fitted to the taxi, this was also in breach of a by-law of the conditions of the Hackney Carriage Driver's Licence.

The Licensing Officer informed the Committee that the licence-holder had been issued a HCD's Licence since 2006 and since that time the Department had received complaints in 2009 and 2018.

In relation to the current complaint and the issues surrounding the fare, the Licence-holder explained to Members that he had travelled from Six Bells to Ebbw Vale, and then Ebbw Vale to Six Bells on the return journey, and as a result was 'out of pocket'. He also informed that the lady had told him that her son would be meeting her at Wetherspoon's in Ebbw Vale, however, when he arrived in Ebbw Vale the lady's son was not there to help her. He had no other comments to make other than he was not a carer who should be expected to assist people in and out of his vehicle.

The Committee considered the evidence and the representations received from the Licence-holder and the Licensing Enforcement Officer. Members expressed concern regarding the issue of overcharging and agreed that Hackney Carriage Drivers should be using meters in accordance with agreed procedures. Members were of the opinion that the licence-holder was no longer a fit and proper person to hold a Hackney Carriage Driver's Licence, and it was therefore

RESOLVED that the licence be revoked in accordance with Paragraph 6 of the Conditions of Licence, incorporating Code of Conduct, and Paragraph 3.2 of the information and guidance, including conditions related to Hackney Carriage Drivers Licences and Private Hire Vehicle Drivers Licences which stated that: "Where there is doubt about the fitness of an applicant or licence-holder, the Council will adopt a precautionary approach and may refuse the application, or revoke the licence, as the case may be".

The licence-holder was advised that he could appeal against the decision of the Committee, to the Magistrates Court, within 21 days of today's date.

Application for a new Hackney Carriage/Private Hire Vehicle Driver's Licence

It was reported that the Applicant had failed to appear before the Committee, and it was therefore

RESOLVED that the application be **DEFERRED**.