

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO: THE CHAIR AND MEMBERS OF THE COUNCIL

SUBJECT: PLANNING, REGULATORY AND GENERAL LICENSING COMMITTEE (GENERAL LICENSING MATTERS) – 14TH DECEMBER, 2020

REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER

PRESENT: COUNCILLOR D. HANCOCK (CHAIR)

Councillor W. Hodgins (Vice-Chair)

D. Bevan

M. Day

J. Hill

C. Meredith

K. Pritchard

B. Thomas

G. Thomas

T. Smith

B. Willis

L. Winnett

**WITH: Team Manager – Licensing
Licensing Officer
Solicitor**

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> No apologies for absence was received.	

<p>No. 3</p>	<p><u>DECLARATIONS OF INTEREST & DISPENSATIONS</u></p> <p>There were no declarations of interest or dispensations reported.</p>	
	<p><u>SCHEDULE OF APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES</u></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 & 14, Schedule 12A of the Local Government Act 1972.</p> <p>Consideration was given to the report of the Senior Licensing Officer, whereupon:-</p> <p><u>Hackney Carriage/Private Hire Vehicle Driver Licence No. 234</u></p> <p>The Applicant was introduced to Officers and Members of the Committee.</p> <p>At the invitation of the Chair the Team Manager – Licensing advised that the applicant had been a Licence Holder for many years and the case was before Committee to determine if the Licence Holder was a fit and proper person to hold a licence.</p> <p>The Team Manager provided an overview of allegations which had been reported to the Licensing Team. It was advised that these allegations had been discussed with the Licence Holder who also had concerns, however the Licence Holder had failed to raise these concerns with the Transport Team or the Licensing Team.</p> <p>The Chair then invited the Applicant to present his case.</p>	

The Applicant advised that on occasions when gifts of sweets or chocolates were offered and refused the passenger would be upset. The Applicant added that the passenger had asked him to buy them sweets which the Applicant had refused. The passenger had also left him notes.

At the invitation of the Chair the Applicant gave his reasons for why the Committee should not revoke his Licence. The Applicant advised that he had been a Licence Holder for many years and had not done anything wrong. The Applicant added that he had taken the behaviour in jest and had therefore felt he did not need to report the matter.

The Chair invited questions from Members at this juncture.

A number of questions were raised by Members in relation to training undertaken by the Applicant, the reason for no escort was on journeys with the Applicant and Young Passenger and Police action on the allegations. The Applicant was also asked how long he had held his licence and had there been any other previous similar complaints. Members had also requested feedback from the PSM Meetings held with school representatives, social workers, Local Authority officers and the Police.

The questions were responded to accordingly by the Applicant and Officers.

The Applicant and Licensing Officers left the meeting at this juncture for Members to consider the application.

The Committee discussed the application at length and a decision was made, and the Applicant and Officers were invited back into the meeting.

The Chair confirmed that Members had given due consideration to the application and asked the Solicitor to read out the decision of the Licensing Committee, as follows:-

The matter was brought before the Committee by the Council's Licencing Section for review of Hackney Carriage Drivers' Licence via the Teams Meeting facility. The Licencing Officer addressed members and informed them that a PSM had been held on the 13th November 2020 and during that meeting the attendees were informed that the young girl who was transported to and from school by the Applicant, had made inappropriate comments to her teacher and also, subsequently a Social Worker.

The child had over a period of time given or attempted to give the Applicant sweets and cakes because she felt sorry for him. The child had also made allegations that the Applicant had tried to hold her hand.

The Applicant addressed the Committee and said that that the young girl got upset when he declined the offer of sweets and cakes. The Applicant said perhaps he had been a bit naïve in relation to the behaviour but insisted that he had done nothing wrong and that driving taxis was his livelihood.

The Licencing Officer explained to Members, Officers and the Applicant that they could either:-

- Take no action,
- Take no action and issue a warning in relation to future conduct,
- Revoke the licence.

The Members gave careful consideration to representations made to them by the Licencing Officer and took into consideration matters contained within the Council's information and guidance booklet, including conditions relating to Hackney Carriage Drivers' Licences and Private Hire Vehicle Licences.

They also carefully considered the actual evidence before them as advised. The Committee were of the opinion that the applicant continued to be a 'fit and proper person to hold a Hackney Carriage Licence. Although, the Committee still had serious concerns over the incident and therefore a warning in relation to future conduct was given.

Upon a vote being taken, it was thereupon

RESOLVED that the licence-holder retain his Hackney Carriage Drivers' Licence, although a warning be issued in respect of his future conduct.

Hackney Carriage/Private Hire Vehicle Driver Licence No. 042

The Applicant was introduced to Officers and Members of the Committee.

At the invitation of the Chair the Team Manager – Licensing advised that the applicant had been a Licence Holder for many years and the case was before Committee to determine if the Licence Holder was a fit and proper person to hold a licence.

The Team Manager provided an overview of an incident which had occurred in September and the subsequent investigations undertaken. It was also reported that the Applicant had failed to attend meetings due to personal issues.

The Chair then invited the Applicant to present his case.

The Applicant gave an account of events which occurred with a passenger who was under the influence of alcohol and drugs was reported to the Police and the Licensing Team by the Applicant. The Applicant explained how he felt and that he had not been able to attend meetings due to mental health issues. The Applicant explained his fear during the attack as there was a chance with such close contact of contracting the Covid-19 virus and advised that he had needed to defend himself against the attack.

The Chair asked the Applicant why he felt the Committee should not revoke his Licence. The Applicant advised that he had been a Taxi Driver for many years and stated that he had wanted to complete the journey because he was worried about his own safety.

The Applicant showed the Committee copies of letters of previous cases which had not resulted in loss of licences and the Chair explained that this meeting was about the Applicant's conduct and a decision was to be made on the evidence before them. The Applicant added that he worked long hours until 3-4am to ensure the customers were safe.

The Team Manager – Licensing read of correspondence which had been received in support of the Applicant which stated that the Applicant had always been a very good Taxi Driver and went above and beyond during the pandemic to ensure this customer had what was required.

The Chair invited questions from Members at this juncture

The Committee asked questions in relation to the Police report, the events of the evening of the attack and reasons why such actions had been taken.

The questions were responded to accordingly by the Applicant and Officers.

The Applicant and Licensing Officers left the meeting at this juncture for Members to consider the application.

The Committee discussed the application at length and a decision was made, and the Applicant and Officers were invited back into the meeting.

The Chair confirmed that Members had given due consideration to the application and asked the Solicitor to read out the decision of the Licensing Committee, as follows:-

The matter was brought before the Committee by the Council's Licencing Section for review of Hackney Carriage Drivers' Licence via the Teams Meeting Facility. The Licencing Officer addressed Members and informed them that the licence holder had allegedly committed a S.18 offence of Grievous Bodily Harm (without intent.) The Officer explained that this information had been disclosed by the Gwent Police Disclosure Unit and the Applicant was arrested on the 5th September 2020.

The circumstances of the offence were that the Applicant had collected a passenger and when he stopped the car for the passenger to get out, he left the door open and the Applicant was then attacked. The Applicant struck the passenger causing a head injury. The police took no further action in relation to the matter.

The Applicant, in mitigation, said that he was attacked and was only trying to defend himself. He said that the fare for the journey was £4.35 only and explained that a family member suffered with mental health issues and this was the reason he had not been contactable. He also explained the reasons for a wheel brace being in the vehicle.

The Licencing Officer also highlighted the fact that the Applicant had come before the Committee in relation to alleged abusive behaviour in 2015, another complaint had been received in 2016 and in 2017. The Officer also confirmed that the Applicant had told the Police that he had the wheel brace in the car for protection, conflicting directly with what the Applicant told the panel.

The Licencing Officer explained to members that they could either:

- Take no action,
- Take no action and issue a warning in relation to future conduct,
- Revoke the Licence.

The Committee carefully considered representations made to them by the licencing officer and took into consideration matters contained within the Council's information and guidance booklet, including conditions relating to Hackney Carriage Drivers' Licences and Private Hire Vehicle Licences. The Committee are of the opinion that the Applicant is not a fit and proper person to continue to hold a Hackney Carriage Drivers' Licence and the Committee revoked the licence relying upon paragraph 3.2 of information and guidance booklet which states that 'where there is doubt about the fitness of an applicant or licence holder, the Council will adopt a precautionary approach and may refuse an application or revoke the licence, as the case may be.'

The Applicant did not return to the meeting via Teams and therefore the Licencing Officer confirmed that she would now email the Applicant with the decision on behalf of the Committee.

Upon a vote being taken, it was unanimously

RESOLVED that the licence-holder Hackney Carriage Drivers' Licence be revoked.