

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of the Licensing and Regulatory Committee held at
County Hall, Usk on Tuesday 17th June 2014 at 10.00 a.m.**

PRESENT: County Councillor: B. Strong (Chairman)

County Councillors: R.F. Chapman, R. Edwards, D.J. Evans, L. Guppy,
M. Hickman, R.J. Higginson, S.G.M. Howarth, J. Prosser, F. Taylor, P.
Watts and A.E. Webb

OFFICERS IN ATTENDANCE:

Mr. G. Perry	-	Public Protection Manager
Mr. L. Beech	-	Enforcement Officer
Mrs P. Perkins	-	Legal Assistant
Mr. R. Williams	-	Democratic Services Officer

ALSO IN ATTENDANCE:

Sgt. C. Carlyon	-	Gwent Police
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ELECTION OF CHAIRMAN

1. Nominations for Chairman were received and seconded for County Councillors R.J. Higginson and L. Guppy.

Upon being put to the vote, the following votes were recorded:

In favour of County Councillor R.J. Higginson - 6 votes.

In favour of County Councillor L. Guppy - 6 votes.

As the voting was tied, it was proposed that a Chairman be elected for today's meeting only and that the decision regarding election of Chairman and appointment of Vice-Chairman be agreed at Full Council on 26th June 2014.

It was proposed and seconded that County Councillor B. Strong be elected Chairman for today's meeting.

Upon being put to the vote the proposition was carried unanimously.

We therefore resolved that County Councillor B. Strong be elected Chairman for today's meeting and that the decision regarding election of Chairman and appointment of Vice-Chairman be agreed at Full Council on 26th June 2014.

APOLOGIES FOR ABSENCE

2. There were no apologies received.

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DECLARATIONS OF INTEREST

3. There were no declarations of interest made by Members.

CONFIRMATION OF MINUTES

4. The minutes of the Licensing and Regulatory Committee meeting held on Tuesday 6th May 2014 were confirmed as a correct record and signed by the Chairman.

EXCLUSION OF PRESS AND PUBLIC

5. We resolved to exclude the press and public from the meeting during consideration of the following item of business in accordance with Section 100(A) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 12 of Part 4 of Schedule 12(A) to the Act.

HACKNEY CARRIAGE/PRIVATE DRIVERS LICENCE

6. We received the following report presented on behalf of the Chief Officer, Enterprise, for the Committee to consider.

To consider an Application in Respect of a Hackney Carriage / Private Hire Drivers Licence.

The Chairman welcomed the applicant to the meeting and introduced Members of the Committee and the attending Officers and explained the protocol for the meeting.

The applicant confirmed their name and address to the Committee, as did their legal representative. The applicant confirmed receipt of the report.

The key issues and details of the application were read out to the Committee.

The following information was drawn to the attention of Members of the Committee:

'Under the guidelines of the rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002 paragraph 8 which states the convictions in relation to a 'Taxi driver' are no longer spent and as such all convictions can be taken into account.

'Under the provisions of Sections 51 and 59, Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority is required to ensure that an applicant for the grant of a hackney carriage/private hire driver's license is a "fit and proper" person to hold such a license. If the applicant has any convictions, warnings, cautions or charges awaiting trial the Licensing Section will look into the following:

- *How relevant the offences are to the license being applied for*
- *How serious the offences were,*

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- *How recent they were, and*
- *Whether they form part of a pattern of offending.'*

'Under Section 3.3 of the Authority's convictions guidance it states that where a new applicant has been convicted of a relevant offence (for example, one involving dishonesty, anti-social behaviour, violence, a serious driving offence or a breach of a licence condition) within a period of five years prior to the date of application or have a history of repeat offending prior to that period, the application will be referred to the Licensing and Regulatory Committee for determination.'

It was also drawn to the attention of Members that under Section 4.3 of the Authority's convictions guidance it states:

*'A conviction for a major driving offence, for example one incurring between **4 and 11 penalty points** will normally result in a **written warning** as to future driving conduct. Drivers will be advised on the required standards. In the case where an applicant or licence holder has **more than one conviction** for this type of offence within a period of **5 years** from the date of conviction of the second offence, the matter will be referred to the Licensing and Regulatory Committee. The Licensing and Regulatory Committee will have regard to any previous convictions and may determine to refuse an application or revoke a current licence. In the case of an offence involving vehicle insurance an applicant will be required to demonstrate the ability to obtain insurance for hire and reward.'*

A representative from Gwent Police provided the Committee with further information in respect of the applicant.

The applicant was then given the opportunity to address the Committee, to put forward any relevant explanations. This was undertaken by the applicant's legal representative. Following this, Members of the Committee put forward questions to the applicant and discussion ensued.

Following questioning, officers and the applicant left the meeting to allow the Committee the opportunity to deliberate and discuss the findings.

Upon re-commencement, the Chairman advised that the Committee had considered the application under S51 and had resolved not to grant a Hackney Carriage/Private Hire Drivers licence to the applicant for the following reason – 'The Committee shall not grant a licence unless it is satisfied that the applicant is fit and proper'. The disqualifications were extensive and fairly recent. The applicant has only had a short period of holding a licence since those convictions. Therefore, at this time, we feel that we have no alternative other than to refuse this application.

The applicant and their legal representative were thanked for their attendance and left the meeting.

RE-ADMITTANCE OF THE PRESS AND PUBLIC

7. The press and public were re-admitted to the meeting.

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AUDIT AND FOOD LAW DELIVERY SERVICE

8. We received a report by the Public Protection Manager summarising an audit by the Food Standards Agency of the Council's Food Law delivery service.

In doing so, the following points were noted:

- The final report was received on 18th March 2014.
- A draft action plan has been established outlining how the Authority intends to respond to the recommendations of the report.
- In response to a Members' question, it was noted that the Directorate has sufficient resources to implement the recommendations of the report.

We resolved to receive the report and note its content.

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER AND VEHICLE CONDITIONS

9. We received a report by the Senior Licensing Officer, presented by the Public Protection Manager, regarding the current licensing requirements for vehicles with 5-8 seats.

Following debate, it was proposed and seconded that the existing licensing policy for vehicles with 5-8 seats remains unchanged.

Upon being put to the vote, the following votes were recorded:

In favour of the proposal	-	6
Against the proposal	-	1

The proposition was carried.

We resolved that the existing licensing policy for vehicles with 5-8 seats remains unchanged.

INTENDED USE POLICY FOR THE LICENSING OF HACKNEY CARRIAGES

10. We received a report by the Principal Licensing Officer in which Members were provided with an update following consultation of the Intended Use Policy for the Licensing of Hackney Carriages.

It was noted that no responses had been received in accordance with the decision of Committee on 11th February 2014 and that the Intended Use Policy for the Licensing of Hackney Carriages was now effective.

We resolved to receive the report and note its content.

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HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY – FITNESS CRITERIA FOR DRIVERS AND OPERATORS

11. We received a report by the Principal Licensing Officer in which Members were provided with an update following consultation on the adoption of the Hackney Carriages and Private Hire Licensing Policy – Fitness Criteria for Drivers and Operators.

It was noted that no consultation responses had been received and in accordance with the decision of Committee on 11th February 2014, the Hackney Carriages and Private Hire Licensing Policy was now effective.

We resolved to receive the report and note its content.

SCRAP METAL DEALERS ACT 2013 – STATEMENT OF LICENSING POLICY

12. We received a report by the Principal Licensing Officer in which Members considered proposed amendments to the Scrap Metal Dealers Act 2013 – Statement of Licensing Policy.

We resolved to endorse the proposed statement of Licensing Policy under the Scrap Metal Dealers Act 2013, prior to recommendation to Cabinet, subject to the following amendment:

- Paragraph 21.1 be amended as follows – ‘approved scheme of delegation’ be amended to read ‘Council’s scheme of delegation’.

STREET TRADING CONSENTS – AMENDMENT OF POLICY

13. We received a report by the Public Protection Manager regarding amending the current Street Trading Policy to include a wider range of consents.

We resolved:

(a) to amend the Council’s Street Trading Policy (as proposed and attached at Appendix One to the report entitled Draft Street Trading Policy June 2014) to include:

- i) Day Street Trading Consents
- ii) Block Day Street Trading Consents
- iii) Block Annual Street Trading Consents.

(b) to approve the fees for the new block consents as follows:

- i) Day Street Trading Consents: £41.00 per day
- ii) Block Day Street Trading Consents: £119.00 per day
- ii) Block Annual Street Trading Consents: new £688.00 and renewal £458.00 per annum.

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DATE OF NEXT MEETING

14. We noted the date of the next Licensing and Regulatory Committee as Tuesday 29th July 2014 at 10.00am at County Hall, Usk.

TIMING OF FUTURE MEETINGS

15. We resolved to continue to hold future meetings of the Licensing and Regulatory Committee at 10.00am.

The meeting ended at 12.22pm.