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Neuadd y Sir
Y Rhadyr
Brynbuga
NP15 1GA

County Hall
Rhadyr
Usk
NP15 1GA

Monday, 9 January 2017

Notice of meeting / Hysbysiad o gyfarfod:

Licensing and Regulatory Committee

Tuesday, 17th January, 2017 at 10.00 am,

AGENDA

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Paul Matthews

Chief Executive / Prif Weithredwr

MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillors:

R. Chapman
R. Edwards
D. Evans
L. Guppy
J. Higginson
J. Marshall
J. Prosser
B. Strong
F. Taylor
P. Watts
A. Webb
M. Hickman

Public Information

Access to paper copies of agendas and reports

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Watch this meeting online

This meeting can be viewed online either live or following the meeting by visiting www.monmouthshire.gov.uk or by visiting our Youtube page by searching MonmouthshireCC.

Welsh Language

The Council welcomes contributions from members of the public through the medium of Welsh or English. We respectfully ask that you provide us with adequate notice to accommodate your needs.

Aims and Values of Monmouthshire County Council

Sustainable and Resilient Communities

Outcomes we are working towards

Nobody Is Left Behind

- Older people are able to live their good life
- People have access to appropriate and affordable housing
- People have good access and mobility

People Are Confident, Capable and Involved

- People's lives are not affected by alcohol and drug misuse
- Families are supported
- People feel safe

Our County Thrives

- Business and enterprise
- People have access to practical and flexible learning
- People protect and enhance the environment

Our priorities

- Schools
- Protection of vulnerable people
- Supporting Business and Job Creation
- Maintaining locally accessible services

Our Values

- **Openness:** we aspire to be open and honest to develop trusting relationships.
- **Fairness:** we aspire to provide fair choice, opportunities and experiences and become an organisation built on mutual respect.
- **Flexibility:** we aspire to be flexible in our thinking and action to become an effective and efficient organisation.
- **Teamwork:** we aspire to work together to share our successes and failures by building on our strengths and supporting one another to achieve our goals.

Nodau a Gwerthoedd Cyngor Sir Fynwy

Cymunedau Cynaliadwy a Chryf

Canlyniadau y gweithiwn i'w cyflawni

Neb yn cael ei adael ar ôl

- Gall pobl hŷn fyw bywyd da
- Pobl â mynediad i dai addas a fforddiadwy
- Pobl â mynediad a symudedd da

Pobl yn hyderus, galluog ac yn cymryd rhan

- Camddefnyddio alcohol a chyffuriau ddim yn effeithio ar fywydau pobl
- Teuluoedd yn cael eu cefnogi
- Pobl yn teimlo'n ddiogel

Ein sir yn ffynnu

- Busnes a menter
- Pobl â mynediad i ddysgu ymarferol a hyblyg
- Pobl yn diogelu ac yn cyfoethogi'r amgylchedd

Ein blaenoriaethau

- Ysgolion
- Diogelu pobl agored i niwed
- Cefnogi busnes a chreu swyddi
- Cynnal gwasanaethau sy'n hygyrch yn lleol

Ein gwerthoedd

- **Bod yn agored:** anelwn fod yn agored ac onest i ddatblygu perthnasoedd ymddiriedus
- **Tegwch:** anelwn ddarparu dewis teg, cyfleoedd a phrofiadau a dod yn sefydliad a adeiladwyd ar barch un at y llall.
- **Hyblygrwydd:** anelwn fod yn hyblyg yn ein syniadau a'n gweithredoedd i ddod yn sefydliad effeithlon ac effeithiol.
- **Gwaith tîm:** anelwn gydweithio i rannu ein llwyddiannau a'n methiannau drwy adeiladu ar ein cryfderau a chefnogi ein gilydd i gyflawni ein nodau.

Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 18th October, 2016 at 10.00 am

PRESENT: County Councillor L. Guppy (Chairman)
County Councillor B. Strong (Vice Chairman)

County Councillors: R. Edwards, D. Evans, J. Higginson, J. Prosser,
A. Webb and M. Hickman

OFFICERS IN ATTENDANCE:

Linda O'Gorman	Principal Licensing Officer
Chris Rann	Senior Licensing Officer
Leigh Beach	Enforcement Officer
Sam Winn	Senior Licensing Officer
Ioan Gealy	Solicitor
Paula Harris	Democratic Services Officer

1. Apologies for absence

Apologies received from County Councillor Ralph Chapman and F. Taylor.

2. Declarations of interest

None received.

3. To confirm and sign the minutes of the previous meeting

The following minutes of the Committee were confirmed and signed by the Chairman.

Licensing and Regulatory Committee Meeting
13th September 2016

Licensing and Regulatory Sub Committee Meeting
4th October 2016

4. To exclude the press and public from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information

5. To consider whether the driver is "Fit and Proper" to continue to hold 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. The applicant confirmed receipt of the report.

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

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 18th October, 2016 at 10.00 am

The applicant was then given the opportunity to address the Committee, to put forward any relevant explanations. 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 issues and decided not to suspend the applicant's licence but issued a written warning.

6. To exclude the press and public from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information

7. FOR INFORMATION ONLY - To consider whether the driver is "Fit and Proper" to continue to hold a Hackney Carriage/Private Hire Drivers Licence

Members of the Committee unanimously endorsed the actions of the Chair and Vice Chair.

8. To exclude the press and public from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information

9. To consider whether to continue to with, suspend or revoke a Private Hire Operator 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. The applicant confirmed receipt of the report.

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

The applicant was then given the opportunity to address the Committee, to put forward any relevant explanations. 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 issues and had unanimously voted to revoke the applicant's private hire operator licence.

The reasons given were;

- Total disregard to conditions of operating a licence conditions
- Total disregard to the safety of members of the public
- Lack of compliance of the rules in light of a previous warning

The applicant may appeal to the Magistrates Court against this decision within 21 days of being notified of the decision.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 18th October, 2016 at 10.00 am

The applicant will receive written confirmation of this decision within 5 working days. This will be hand delivered.

10. To note the date and time of the next meeting

29th November 2016 at 10am.

The meeting ended at 11:47am

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MONMOUTHSHIRE COUNTY COUNCIL REPORT

SUBJECT:	Proposed suspension of Hackney Carriage / Private Hire Drivers and Operators
DIRECTORATE:	Social Care, Safeguarding and Health
MEETING:	Licensing and Regulatory Committee
Date to be considered:	17th January 2017
DIVISION/WARDS AFFECTED:	All Wards

1. PURPOSE:

- 1.1 To consider a policy for the suspension of Hackney Carriage / Private Hire Drivers and Operators licences who have not conducted Safeguarding Training.

2. RECOMMENDATION(S):

- 2.1 To delegate to the Head of Public Protection, the power to suspend a Hackney Carriage / Private Hire Driver and Operators Licence, with effect from 1st April 2017 until the Licence holders referred to in 3.1 below have conducted Safeguarding Training approved by the Authority. The suspension will continue until such training has been carried out but no later than the expiry of the licence, where the licence will cease and no new licence will be considered until the training is in place.
- 2.2 To delegate to the Head of Public Protection, the power to lift the suspension referred to in 2.1 above of a Hackney Carriage / Private Hire Driver and Operator Licence following the completion of Safeguarding Training approved by the Authority.
- 2.3 The Head of Public Protection may defer the discharge of the functions referred to in 2.1 and 2.2 to the Licensing and Regulatory Committee.

3. KEY ISSUES

- 3.1 At the Licensing and Regulatory Committee on 22nd March 2016 Members approved the Monmouthshire County Council's Taxi and Private Hire Policy and Conditions 2016, which came into force on 1st April 2016. This Policy included the following condition.

All drivers and operators (including existing licence holders) will be required to attend a training session on safeguarding children and vulnerable persons. The training session will cover the conduct and responsibilities of those licensed and in particular will provide training in identifying when vulnerable people are in need of protection and how to ensure they are taken to a place of safety and the appropriate reports are made to the police and social services. The training provider must be approved by the LA. A certificate must be submitted to MCC LA as confirmation that the training has been conducted. Certificates will only be accepted by training providers approved by the LA.

New applicants will be required to conduct the training at their own expense prior to submitting an application.

Drivers and Operators licensed (new and renewal applicants) between 1st April 2015 – 31st March 2016, will be required to conduct this training within 9 months, commencing 1st April 2016.

All drivers and Operators will be required to conduct refresher training and submit the required certificate as confirmation the training has been conducted prior to submitting a renewal application.

- 3.2 The Authority recognised it was essential that all those involved in the Taxi and Private Hire trade should undergo safeguarding training in order to protect children and vulnerable adults. On reaching its decision it also referred to the Louise Casey report whereby the ruling asked whether Rotherham Council took sufficient steps to ensure public safety and avoid child exploitation. This Council did not want receive any similar criticism and felt it necessary to introduce a condition to make safeguarding training mandatory for those holding a licence.
- 3.3 Those licence holders referred to in 3.1 above, who have not conducted the safeguarding training by 31st December 2016, have clearly breached their licence conditions. Reminders were issued by the Licensing Section on 23rd March 2016, 20th June 2016 and 28th October 2016 to those licence holders, which outlined the requirement to conduct the safeguarding training as a condition of their licence by 31st December 2016. There has been two training sessions per month since April 2016. From April – December a total of 18 training sessions were available from Torfaen Training, the training providers approved by this Authority to conduct the safeguarding training.
- 3.4 It is recognised that those licence holders who have not conducted the safeguarding training may have found it difficult to conduct training during the December period with the lead up to Christmas. There are currently 41 drivers who have not conducted this training before the 31st December 2016. It is recommended that there is a period of grace of 3 months before action is taken against those licence holders who have not complied with the terms and conditions of their licence. As such, it is requested that no action be taken until 1st April 2017 to enable the outstanding drivers to have a choice from a further 6 training sessions (2 per month between January – March 2017).
- 3.5 This report request a suspension of those licence holders who have not completed the safeguarding training until such training is in place and to delegate the power of suspension on this occasion to the Head of Public Protection.

4. REASONS

- 4.1 To ensure the safeguarding of vulnerable children and adults are met.

5. RESOURCE IMPLICATIONS

- 5.1 All Licensing fees and charges are recovered on a cost recovery basis.

6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS

6.1 The 'Future Generations' template was previously submitted on the introduction of the Taxi and Private Hire Policy and Conditions 2016.

7. CONSULTEES:

None

8. BACKGROUND PAPERS:

Town Police Clauses Act 1847
Local Government (Miscellaneous Provisions) Act 1976.

9. AUTHOR:

Linda O’Gorman
Principal Licensing Officer

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SCHEDULE 12A LOCAL GOVERNMENT ACT 1972 EXEMPTION FROM DISCLOSURE OF DOCUMENTS

REPORT: To consider the suitability of a Hackney Carriage/ Private Hire drivers licence holder

AUTHOR: Christopher Rann

MEETING AND DATE OF MEETING: Tuesday 17th January 2017
Licensing and Regulatory Committee

I have considered grounds for exemption of information contained in the report referred to above and make the following recommendation to the Proper Officer:-

Exemptions applying to the report:

Information relating to a particular individual as described in Paragraph 12 of part 4 of Schedule 12A to the Local Government Act 1972

Factors in favour of disclosure:

Openness and transparency in matters concerned with the public

Not applicable at this time (see below)

Prejudice which would result if the information were disclosed:

Applicable The applicant will be attending the Committee meeting on the Tuesday 17th January 2017 and any information disclosed prior to this date may jeopardise the applicant's right to a fair hearing

My view on the public interest test is as follows:

Factors in favour of **not disclosing** outweigh those against.

Recommended decision on exemption from disclosure:

Maintain exemption from publication in relation to report.

Date: 4th January 2017

Signed: 

Post: Principal Licensing Officer

I accept/do not accept the recommendation made above.



Proper Officer

Date: 4/1/17

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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