

# Public Document Pack



Neuadd y Sir  
Y Rhadyr  
Brynbuga  
NP15 1GA

Dydd Llun, 9 Ionawr 2017

## Hysbysiad o gyfarfod

### Pwyllgor Trwyddedu a Rheleiddio

Dydd Mawrth, 17eg Ionawr, 2017 at 10.00 am  
Neuadd Y Sir, Y Rhadyr, Brynbuga, NP15 1GA

#### AGENDA

**BYDD CYFARFOD CYN I AELODAU'R PWYLLGOR 30 COFNODION CYN I'R  
CYCHWYN Y CYFARFOD**

Eitem ddim	Eitem	Tudalennau
1.	Ymddiheuriadau am absenoldeb	
2.	Datganiadau o Fuddiant	
3.	I gadarnhau a llofnodi cofnodion y cyfarfod blaenorol 18fed Hydref 2016	1 - 4
4.	Diogelu adroddiad atal dros dro	5 - 8
5.	Gwahardd y wasg a'r cyhoedd o'r cyfarfod yn ystod yr ystyriaeth o eitemau busnes a ganlyn ar y sail y maent yn cynnwys tebygol o ddatgelu gwybodaeth sydd wedi'i heithrio	9 - 10
6.	I ystyried a yw'r gyrrwr yn "Fit a Proper" i barhau i ddal trwydded gyrrwr llogi cerbydau hacnai a phreifat	11 - 22
7.	Cadarnhau dyddiad ac amser y cyfarfod nesaf	

**Paul Matthews**

**Prif Weithredwr**

## CYNGOR SIR FYNWY

### MAE CYFANSODDIAD Y PWYLLGOR FEL SY'N DILYN:

Cynghorwyr Sir:

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

## Gwybodaeth Gyhoeddus

### **Mynediad i gopiau papur o agendâu ac adroddiadau**

Gellir darparu copi o'r agenda hwn ac adroddiadau perthnasol i aelodau'r cyhoedd sy'n mynychu cyfarfod drwy ofyn am gopi gan Gwasanaethau Democrataidd ar 01633 644219. Dylid nodi fod yn rhaid i ni dderbyn 24 awr o hysbysiad cyn y cyfarfod er mwyn darparu copi caled o'r agenda hwn i chi.

### **Edrych ar y cyfarfod ar-lein**

Gellir gweld y cyfarfod ar-lein yn fyw neu'n dilyn y cyfarfod drwy fynd i [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk) neu drwy ymweld â'n tudalen Youtube drwy chwilio am MonmouthshireCC. Drwy fynd i mewn i'r ystafell gyfarfod, fel aelod o'r cyhoedd neu i gymryd rhan yn y cyfarfod, rydych yn caniatáu i gael eich ffilmio ac i ddefnydd posibl y delweddau a'r recordiadau sain hynny gan y Cyngor.

### **Y Gymraeg**

Mae'r Cyngor yn croesawu cyfraniadau gan aelodau'r cyhoedd drwy gyfrwng y Gymraeg neu'r Saesneg. Gofynnwn gyda dyledus barch i chi roi 5 diwrnod o hysbysiad cyn y cyfarfod os dymunwch siarad yn Gymraeg fel y gallwn ddarparu ar gyfer eich anghenion.

# 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.

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# 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  
13<sup>th</sup> September 2016

Licensing and Regulatory Sub Committee Meeting  
4<sup>th</sup> 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**

29<sup>th</sup> November 2016 at 10am.

**The meeting ended at 11:47am**

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## MONMOUTHSHIRE COUNTY COUNCIL REPORT

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

### 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 1<sup>st</sup> 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 22<sup>nd</sup> March 2016 Members approved the Monmouthshire County Council's Taxi and Private Hire Policy and Conditions 2016, which came into force on 1<sup>st</sup> 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 1<sup>st</sup> April 2015 – 31<sup>st</sup> March 2016, will be required to conduct this training within 9 months, commencing 1<sup>st</sup> 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 31<sup>st</sup> December 2016, have clearly breached their licence conditions. Reminders were issued by the Licensing Section on 23<sup>rd</sup> March 2016, 20<sup>th</sup> June 2016 and 28<sup>th</sup> October 2016 to those licence holders, which outlined the requirement to conduct the safeguarding training as a condition of their licence by 31<sup>st</sup> 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 31<sup>st</sup> 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 1<sup>st</sup> 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

**CONTACT DETAILS:**

Tel: 01633 644214  
Email: [lindaogorman@monmouthshire.gov.uk](mailto:lindaogorman@monmouthshire.gov.uk)

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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 17<sup>th</sup> 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 17<sup>th</sup> 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:** 4<sup>th</sup> January 2017

**Signed:** 

**Post:** Principal Licensing Officer

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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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of the Local Government Act 1972.

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