

MINUTES OF A MEETING OF THE LICENSING COMMITTEE HELD IN COMMITTEE ROOM 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON TUESDAY, 16 SEPTEMBER 2008 AT 2.00PM

Present:-

Councillors

M Butcher
D Buttle
D K Edwards
C E Hughes

Councillors

R D Jenkins
D N W Jones
D A Unwin

Councillors

K J Watts
M C Wilkins
R Williams

Officers:

Y Witchell - Licensing and Registration Officer
P Gavigan - Principal Solicitor
R Morris - Senior Licensing & Registration Assistant
GP Jones - Principal Cabinet and Committee Officer

10 ELECTION OF CHAIRPERSON

In the absence of the Chairperson, nominations were requested for a Chairperson and it was:-

RESOLVED: That Councillor D Buttle take the Chair for the meeting.

11 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members:

Councillor C J James - Ill Health
Councillor W B Morgan - Holiday
Councillor M L Simmonds - Ill Health
Councillor P J White - Holiday

12 DECLARATIONS OF INTEREST

The following personal and prejudicial declarations of interest were made:-

- Councillor C E Hughes - Agenda item 4 a (i) Licensing Function: Local Government (Miscellaneous Provisions) Act 1976 Discretionary Licence Fees and Charges - due to a tenant of his being the Chairman of the Taxi Association. Councillor Hughes left the meeting during consideration of this item.
- Councillor R D Jenkins - Agenda item 4 a (ii) - Licensing Function: Local Government (Miscellaneous Provisions) Act 1976 Discretionary Licence Fees and Charges - due to his daughter and her partner being taxi owners. Councillor Jenkins left the meeting during consideration of this item.

13 MINUTES OF THE PREVIOUS MEETING

RESOLVED: That the minutes of the meeting of the Licensing Committee held on 10 July 2008, be approved as a true and accurate record.

14 LICENSING FUNCTION: LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 DISCRETIONARY LICENCE FEES AND CHARGES

The Licensing and Registration Officer presented the report of the Assistant Chief Executive Legal and Regulatory Services, which informed the Committee of an objection to the bringing into effect of an increase of fees relating to the vehicle and operator licences for 2008/2009.

She informed the meeting of the objection that had been received and that it related to the higher than inflation increase in fees. She added that on 13 February 2008 Council had approved a 5% increase in Licensing Fees as part of its budget strategy. Members confirmed that the fees were to cover the cost of the provision and enforcement of the taxi vehicle licensing and not to make a profit.

RESOLVED: That the proposed increases in fees are approved with effect from 18 September 2008.

15 HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS PROPOSED STATEMENT OF POLICY REGARDING THE LICENSING OF EX-OFFENDERS

The Licensing and Registration Officer presented the report of the Assistant Chief Executive Legal and Regulatory Services, which provided guidance on the criteria to be taken into account, by the licensing authority, when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage/private hire driver's licence.

She explained that the Home Office and Department of Transport Guidelines now indicated that local authorities were now adopt their own policy for the consideration of criminal offences. The overriding principles of the policy should be to maintain the rights of individuals and to enhance the safety of the public.

The Licensing and Registration Officer detailed the implications of the policy with regard to the Rehabilitation of Offenders Act, consideration of previous convictions, and the introduction of interim vetting measures prior to confirmation of the Vetting and Barring scheme.

She then presented an overview of the Policy which had been developed by using risk based approach and focussed on the principles of the guidance regarding issues of honesty, indecency and violence, when assessing the suitability of a person to become a taxi driver and in order to provide absolute confidence for the public.

Members welcomed the report and thanked officers for their efforts in compiling the Policy. Members queried whether the Licensing Service were able to monitor working hours of taxi drivers to ensure that driver fatigue did not become a cause of a tragedy. The Licensing and Registration Officer responded that the section had no powers to check or enforce the hours that taxi drivers worked.

Members requested that the details of any offences be included in the reports when drivers appeared before the Sub-Committee for disciplinary, renewal, or the granting of taxi licences with outstanding convictions. Currently, the background to any offence could not be corroborated and the applicant's version of events had to be accepted. Members of the Sub-Committees indicated that they may have to make decisions without having all the relevant details available. Options for including appropriate information at meetings were discussed. It was agreed that the details of the sentences that could be issued by the courts for the offences being considered would be made available at meetings if the Sub Committee agreed that the information was relevant and appropriate on a case by case basis.

Clarification was requested on the Criminal Records Bureau (CRB) checks that we carried out on Taxi Drivers. The Licensing & Registration Officer informed the meeting that all licensed driver underwent standard vetting with the CRB but that it was planned that by 2009 subject to confirmation of the legislation that drivers would be required to achieve the higher level of vetting before being granted a licence.

Members requested that process for issuing written warnings be more structured in order to improve the consistency and understanding of disciplinary decisions made by the Sub-Committees. A tiered system of written warning was agreed.

Following detailed consideration of the report and appendix, the Committee:

RESOLVED: That the Statement of Policy regarding the relevance of convictions and licensing of ex-offenders shown at Appendix A of the report approved, subject to the inclusion of a tiered series of written warnings that are defined as:

- a. First Written Warning
- b. Serious Written Warning
- c. Final Written Warning

The meeting closed at 11:52am.