

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD IN COMMITTEE ROOM 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON TUESDAY, 6 JANUARY 2015 AT 10.00 AM

Present

Councillor DRW Lewis – Chairperson

GW Davies MBE

PA Davies

E Dodd

PN John

Officers:

Andrea Lee
Helen Picton

Senior Lawyer

479. APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Member for the reason so given:-

Councillor C J James - Recuperating

480. APPROVAL OF MINUTES

RESOLVED: That the Minutes of the following meetings of the Licensing Sub Committee be approved as a true and accurate record, subject to a small amendment to the Minutes of 14 August 2014, as detailed below:-

Special meeting – 14 August 2014

Special meeting – 3 October 2014

Ordinary meeting – 11 November 2014

In terms of the Minutes of the 14 August 2014, page 39 last line, add the word Premises between the words 'the and licence.'

481. DECLARATIONS OF INTEREST

None.

482. EXCLUSION OF THE PUBLIC

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RESOLVED: That under Section 100A(4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following items of business as they contain exempt information as defined in

Paragraphs 12 of Part 4 and Paragraph 21 of Part 5 of Schedule 12A of the Act.

Following the application of the public interest test it was resolved that pursuant to the Act referred to above to consider the following items in private, with the public excluded from the meeting, as it was considered that in all the circumstances relating to the items, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, because the information would be prejudicial to the applicants.

Minute No:	Summary of Items:
	Approval of exempt minutes of the Licensing Sub-Committee held on the 14 August, 3 October and 11 November 2014.
	Application for Grant of New Licence.

483. APPROVAL OF EXEMPT MINUTES

EXEMPT MINUTES OF A PREVIOUS MEETING

RESOLVED: That the exempt minutes of a meeting of the Licensing Sub-Committee held on the following dates were approved as a true and accurate record:-

Special meeting – 14 August 2014
Special meeting – 3 October 2014
Ordinary meeting – 11 November 2014

484. APPLICATION FOR GRANT OF NEW LICENCE

APPLICATION FOR GRANT OF NEW LICENCE

Mark Francis Button,
18 Charles Street,
Bridgend

The applicant was present in support of his application.

The Service Manager – Trading Standards asked the applicant Mr. Button, if he had received a copy of the report and if the details contained therein were correct, and if there were any matters pending against him in the Courts.

Mr Button confirmed the report to be correct and that he had no matters pending against him in the Courts.

The Service Manager – Trading Standards referred Members to Paragraph 4.3 of the report, and pointed out to Members that Mr Button had previously held a Hackney Carriage/Private Hire Driver's Licence with the Authority between January 2008 and March 2012. The Sub Committee had subsequently refused the renewal of Mr Button's licence, due to the fact that they considered that he was no longer a fit and proper person to hold such a licence, due to the nature of the convictions (1) – (7) (and not (8) as erroneously stated in the report).

She then asked Mr Button to give an explanation to the Sub Committee, of the circumstances that had resulted in him being convicted of these offences, commencing with the conviction dated 3 January 2001 for possessing a controlled drug and damaging property.

Mr Button explained that he had been going through a bad divorce at the time and due to this had experienced personal problems, resulting in him 'letting himself go', and becoming depressed. He had broken a wing mirror on his estranged wife's car and when the Police were called for this, they had found on him a small amount of cannabis that he retained for his own use rather than anybody else's.

In respect of the conviction on 3 July 2009 once more for damage to property, this had come about he explained, following an argument with his daughter. This had led to him kicking the door of his ex-partner ie his former wife. His daughter was 16 years of age at the time, and the Police had caught up with him after the offence had been committed.

The next offence resulted in him receiving a further conviction on 30 December 2009 for being drunk in a public place. Mr Button confirmed that this had resulted from him leaving a nightclub in Bridgend and not being allowed re-entry into the premises. He had lost his temper and became abusive following which he claimed he was bundled to the floor by the Club's doormen who then called the Police following which he was arrested. He claimed that though he was drunk at the time he wasn't acting disorderly.

The Service Manager – Trading Standards noted from records on Mr Button's file, that he ignored Police Officer's advice and continued to act in an abusive manner when he was arrested. Mr Button replied that from his recollection this had not been the case and that he didn't resist arrest.

The next conviction was dated 30 June 2011 for failing to comply with appropriate traffic signs.

The Service Manager – Trading Standards advised Mr Button that in the Statement of the Police Officer who had arrested him on this occasion, he claimed that Mr Button had told him to "f - - - off". She asked him if he had been driving a taxi at this time. He replied that he had, though he had just finished his shift. Mr Button added that this was linked to him being arrested for turning right on Merthyr Road when it was left turn only for vehicles. The Police Officer had asked him to get in the Police car which he did initially, but he then got out of the car as they were exchanging words, it was then that he was arrested. Mr Button confirmed that he was upset at the time, and was swearing but at himself rather than the Officer, as he was frustrated with himself for making a wrong manoeuvre. He acknowledged that he should have not sworn in any event.

The next offence was dated 4 August 2011 for failure to comply with traffic light signals. This had come about late at night on Tremains Road, Bridgend, when he was slightly late going through them as they were in the process of changing from amber to red. The Police who must have been following behind him on the road, subsequently arrested him outside his house.

The next conviction on 1 November 2011 for using disorderly behaviour or threatening, abusive or insulting words or behaviour likely cause harassment, alarm or distress related directly to offence/conviction (4) of the report, confirmed the Service Manager – Trading Standards.

With regard to the conviction of 13 February 2012, Mr Button advised that this had taken place as a result of an altercation with his partner (ie not his ex-wife). Both of them had been drinking a fair amount of alcohol, and they had argued due to this. It had taken place on the bridge over the river next to the Rhiw car park, and either someone had reported the incident to the Police eg a passer-by, or it had been caught on CCTV cameras. The Police arrived and told him to go home, but Mr Button acknowledged that he had sworn at the Police and was subsequently arrested due to this.

The Service Manager – Trading Standards confirmed that Mr Button had been witnessed punching his partner in the stomach and being verbally abusive towards her, though she did not report this.

Mr Button confirmed that he had not punched her. He added that the relationship had become problematic as this person had a drink problem. At the time she had slapped him across the face, following which he told her to stop doing this. When she didn't he retaliated by slapping her.

The Service Manager – Trading Standards asked Mr Button if when the Police arrived and told him to calm down, whether or not he did so.

He replied that he was angry and upset at the time, and that in all honestly, he didn't calm down and this was why he was subsequently arrested.

The next conviction had taken place after Mr Button had his taxi licence revoked and had occurred on 11 February 2012 for the same offence as that stated immediately above.

The Service Manager – Trading Standards asked Mr Button if this conviction had involved the same person as the incident that had taken place on the bridge. He replied that this was the case.

This had taken place after his partner would not come out of the pub she was drinking in, to come home and talk to him. He had initially been in there drinking with her but then left, and was subsequently then not allowed back into the pub, and because of this, he then had kicked the entrance door to the premises, and was restrained and arrested as a result of this.

The final conviction was dated 27 August 2012, and was in respect of a Police Caution issued for harassment, and put in fear of violence. Mr Button advised that he had suspected his partner was seeing another man, and due to this he had become upset in the presence of her mother at her mother's home. At the time his girlfriend was up this other man's house, so he went up there in an attempt to talk to them both with a view to resolving things. He conceded that he might have threatened to punch the man, but he didn't. He just wanted to talk things through between the three of them. After he left and when walking home, he was confronted by the Police who placed him in a cell for the night. He pointed out that he never attacked anyone, and he never would.

The Service Manager – Trading Standards asked Mr Button if he thought it was wise to upset his partner's mother, and to go over the house where his girlfriend was with another man late at night.

He replied that in hindsight he should not have worried her mother, particularly as she had problems of her own at the time.

The Service Manager – Trading Standards informed Members that as a result of the above incident, Mr Button was issued with an Harassment Order.

She then asked Mr Button if he could possibly see that there was a theme and pattern developing with some of the nature of the convictions, in that he often seemed to lose his temper resulting in annoyance and/or him showing aggression. This had resulted in acts of criminal damage, harassment and motoring convictions. It also seemed apparent that he did not seem to have a good relationship either with the Police.

Mr Button stated that most of the convictions resulted from him having difficulties in his life with regard to relationships both in his previous marriage and in his subsequent relationship with a person who had a dependency upon alcohol, which had an effect on him, in that he was too at the time drinking to try and help or block out his problems.

The Service Manager – Trading Standards asked Mr Button if he felt that he lost his temper too easily at times.

He replied that he did not think this was the case, and this was only apparent when he had been drinking and was depressed at the same time. He was normally laid back he added. He added that he had been booked a few times by the same Police Officer who he felt was starting to antagonise him, and looking to arrest him if he had any possible opportunity to do so.

The Service Manager – Trading Standards asked Mr Button if he had ever considered going on an Anger Management course, particularly if he wanted to be a taxi driver, where he may be confronted by challenging customers.

Mr Button confirmed that he had been on an Anger Management Course, and had gone to ARC also. He had not really perceived with this though, as it had involved group rather than one to one sessions. He did have a Certificate though for attending these sessions.

The Service Manager – Trading Standards advised that Mr Button had previous dealings with staff in the Licensing Section and Customer Service Centre, where certain staff he had dealt with had reported his manner rude and intimidatory.

Mr Button advised the Sub Committee that this was the first time he had been made aware of this. He added that he been depressed since the time he had last held a taxi licence, and regretted his actions that had led to his convictions, which subsequently resulted in his licence being revoked. He felt it was the best job he had ever had, and had regretted losing it ever since.

He added that he was now in the process of trying to put his life together, and he had been conviction free for almost 3 years. He also stated that apart from seeking anger management rehabilitation he had studied to learn music and undertaken an IT course. He also had debt he wanted to clear, and had adopted an attitude whereby he wanted to remain positive and move forward. He had to accept that the failing of past relationships had resulted in him neglecting himself and ultimately had cost him his job as a taxi driver. He wished to add though, that he had never experienced any problems with his employer or paying customers during the time he had previously been a taxi driver. His relationship with his daughter had also contributed in him becoming depressed he

added. He could see now looking back, that he should not have allowed his personal issues to so dramatically have affected his profession.

The Service Manager – Trading Standards advised the Sub Committee that paragraphs 1.3, 2.3, 2.6 and 2.8 of the Licensing Policy applied in terms of Mr Button's application, as referred to in the report and in particular, to the nature of his convictions.

A Member noted that most of Mr Button's offences were alcohol related, and asked if he had sought any professional advice with regard to hi intake.

Mr Button confirmed that he only drank moderately at present and therefore did not see his levels of alcohol consumption at present to be a problem, as his personal problems had now subsided.

A Member asked if he had worked since he lost his taxi licence.

Mr Button replied that he had, but only through recruitment agencies, and all this had been temporary.

A Member asked Mr Button if he had a licence to drive HGV vehicles.

He replied that he had, but he needed a Certificate of Professional Competence before he could go back driving this level of vehicle

A Member asked Mr Button if he had received an offer of employment if his application was successful.

He replied that he would look to lease his own vehicle with Parrott Motors working for Radio Cabs

A Member noted that Mr Button had stated earlier in the meeting that when he had been drunk outside the nightclub, he had been pushed by a Doorman. He asked if he reported this to the Police.

Mr Button confirmed that he had mentioned this to the Police at the time, but was not aware if it had been recorded.

The Chairperson asked Mr Button if he could guarantee that he would not lose his temper if he was confronted by passengers in an aggressive manner whilst driving a taxi.

Mr Button confirmed that he would not lose his temper in such a situation and if this occurred he would seek help from other taxi drivers, the main office or the Police.

A Member asked Mr Button why he had taken two years to realise he had anger problems and then seek help for these.

He replied that with family support he thought he could work things through himself, but he couldn't, then as a result started drinking heavily, which in turn, led to him becoming aggressive.

A Member closed debate on the application by asking Mr Button if he was currently with a partner. He replied that he was presently single.

Members then retired to consider the application further, and upon their return, it was

RESOLVED:

The Licensing Sub-Committee considered the application by Mr Button for a taxi driver licence. The Sub-Committee have considered the previous conviction record of Mr Button and his representations in respect of the same.

The Licensing Sub-Committee have given particular consideration to Mr Button's history of violence and the statement of licensing policy at 2.8.3 where it states that the Sub-Committee considers all forms of violence, including domestic violence, physical and verbal abuse, harassment and racially aggravated offences as being relevant to the fitness of an applicant. Greater weight will be placed on repeat or patterns of offending.

Paragraph 2.8.4 of the Licensing Policy, states that the Sub-Committee is unlikely to grant an application from a person convicted of an offence involving the use of violence or threatening behaviour towards a Police Officer.

The Licensing Sub-Committee were concerned that the applicant could have contact with abusive and aggressive customers, and by his own admission in this Sub-Committee meeting he loses his temper with partners, Police Officers and Door Control personnel when a confrontation occurs.

The overriding consideration of the Licensing Sub-Committee is the safety of the public. The Sub-Committee have considered the improvements the applicant has stated he has made to his lifestyle, however, it decided that Mr Button was not a fit and proper person and therefore refused his application.

485. TO RE-ADMIT MEMBERS OF THE PUBLIC

486. URGENT ITEMS

The meeting closed at 12.18 pm