

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held by video conference on Wednesday, 2 March 2022 at 9.30 am.

PRESENT

Councillors Joan Butterfield, Gwyneth Ellis, Brian Jones (Vice-Chair in the Chair), Barry Mellor, Merfyn Parry, Arwel Roberts, Peter Scott and Huw Williams

ALSO PRESENT

Solicitor – Team Leader – Places (TD), Public Protection Business Manager (IM), Senior Licensing Officer (NJ), Enforcement Officer (Licensing) (KB), Legal Officer (SR) and Committee Officers (KEJ & SJ [Webcaster])

POINT OF NOTICE

In the absence of the Chair Councillor Hugh Irving, the Vice Chair Councillor Brian Jones took the Chair for the meeting.

1 APOLOGIES

Councillors Hugh Irving (Chair), Melvyn Mile and Pete Prendergast

2 DECLARATION OF INTERESTS

Councillor Huw Williams declared a personal interest in agenda item 7 because the applicant/and or their partner had picked up his son from school some years ago.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES OF THE LAST MEETING

The minutes of the Licensing Committee held on 8 December 2021 were submitted.

***RESOLVED** that the minutes of the meeting held on 8 December 2021 be received and confirmed as a correct record.*

[Councillor Joan Butterfield abstained from voting on this item because she had not been present at the above mentioned meeting.]

5 PROPOSED CHANGES TO HACKNEY CARRIAGE VEHICLES TABLE OF FARES AND CHARGES

The Public Protection Business Manager submitted a report (previously circulated) seeking members' review of the current tariff charges for hackney carriage vehicles (taxis). The table of fares had last been amended in 2018.

Following a request by a number of licensed drivers to review the current tariff charges officers had evaluated two proposals put forward by licensed drivers together with a supplement to proposal 2 which had been set out in the report alongside the current tariff for comparison and transparency. Reference had also been made to the authority's current position within the "league table" of taxi fares in comparison with the proposal which amounted to a 7% increase in charges for a two mile journey. Conwy County Borough Council had recently reviewed their tariff charges which were broadly in line with the proposal put forward. Details of the decision making process including public consultation on the preferred tariff had been provided, with any objections received being referred back to the Committee.

Members discussed the report and expressed general support for proposal 2 together with the supplement given the cost increases incurred by the taxi trade in terms of fuel and vehicle maintenance, and to ensure that taxi firms remained cost effective and viable in the current climate. It was also considered that the supplement would encourage sufficient drivers to meet customer demand during the weekend. However, members also recognised the impact on taxi users in the current financial climate and supported the consultation on the proposed increase in tariff charges to gauge the views of the public and wider taxi trade prior to a final decision being made. It was noted that the table of charges set by the Council was the maximum permitted and a lesser fee could be agreed with the customer. Finally mention was made to the need to look to the use of electric vehicles going forward once the infrastructure was in place and the Chair was confident that ambition would be further progressed during the next Council term.

RESOLVED that members –

- (a) *authorise officers to proceed with consultation on proposal 2 at paragraph 4.2 of the report together with the supplement at paragraph 4.3 of the report;*
- (b) *instruct officers to prepare a report for the next Licensing Committee in the event any objections are received in response to the consultation;*
- (c) *instruct officers to publish the requisite public notice if no objections to the consultation are received and implement the tariff after the statutory timeframe if no further objections are submitted thereafter, and*
- (d) *instruct officers to prepare a report for the next Licensing Committee if any objections are received following the statutory notice.*

6 LICENSING COMMITTEE FORWARD WORK PROGRAMME 2022

The Senior Licensing Officer submitted a report (previously circulated) on the priorities of the Licensing Section together with an update on rescheduled items and the proposed revised forward work programme for 2022.

The priorities of the Licensing Section reflected the duty placed on the authority in relation to its responsibilities for the licensing function and the effective regulation, control and enforcement of licensees together with the authority's commitment to safer communities and the development of the economy. Due to unforeseen priorities the previously approved forward work programme had been amended with items rescheduled and a revised work programme presented for consideration.

An update was provided to members on those items due to be brought forward to the Committee's March meeting which covered the following –

- Review of Hackney Carriage/Private Hire Statement of Licensing Policy
- Review of Statement of Principles – Gambling Act 2005
- Review of Street Trading Policy
- Statement of Licensing Policy – Licensing Act 2003
- Review of Fees and Charges

Members noted the update and proposed revisions to the forward work programme which would be taken forward in the new Council term.

RESOLVED that –

- (a) *the contents of the report be noted, and*
- (b) *the revised forward work programme for 2022 as detailed in the appendix to the report be approved.*

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following items of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 12 of Part 4 of Schedule 12A of the Act.

[At this juncture (10.05 am) the meeting adjourned for a short break.]

7 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 557452

A confidential report by the Head of Planning, Public Protection and Countryside Services (previously circulated) was submitted upon –

- (i) an application having been received from Applicant No. 557452 for a licence to drive hackney carriage and private hire vehicles;
- (ii) officers having referred the application to the Licensing Committee for determination given the particular circumstances of the case;
- (iii) the Applicant's licence to drive hackney carriage and private hire vehicles having been revoked in May 2021 following an accumulation of motoring convictions for speeding (covering the period February 2018 to September

2020) and resultant disqualification from driving for a period of six months under the totting up procedures (TT99);

- (iv) further information concerning the case including the application together with the report documenting the disqualification and character references submitted by the Applicant and circulated as a supplement to the agenda;
- (v) officers having not yet completed all other necessary checks associated with the licensed driver application;
- (vi) the Council's policy with regard to the suitability of applicants, and
- (vii) the Applicant having been invited to attend the meeting in support of their application and to answer members' questions thereon.

The Applicant confirmed they had received the report and committee procedures.

The Public Protection Business Manager submitted the report and facts of the case.

The Applicant explained that the speeding convictions had been obtained whilst driving a motorbike and in light of those convictions they had given up that hobby and sold the motorbike. The Applicant expressed remorse over the speeding offences and provided assurances regarding their driving conduct. The Applicant added that they had previously held a hackney carriage and private hire vehicle licence for fifteen years with no problems and had operated their own business over the last eight years without issue. In responding to members' questions the Applicant confirmed that all speeding offences had occurred when driving a motorbike and that no speeding offences had occurred when driving a taxi, adding that their driving conduct in a taxi had always been exemplary. In a final statement the Applicant apologised for their actions and thanked members for their consideration of the application.

The Committee adjourned to consider the application and it was –

RESOLVED that, *subject to all other necessary checks associated with a licensed driver application being satisfactory, the application for a hackney carriage and private hire vehicle driver's licence from Applicant No. 557452 be granted.*

Members had carefully considered the particular circumstances of the case as set out in the report together with the Applicant's submissions, response to questions, and character references provided. Members had also considered the relevant sections of the Council's Statement of Policy regarding the suitability of applicants and licensees in the hackney carriage and private hire trades.

In particular the Committee had considered section 4.22 of the policy which provided that where a person had more than one conviction, this would raise serious questions about their safety and suitability, and that once a pattern or trend of repeated offending was apparent, a licence would not be granted or renewed. In this case the pattern of offending behaviour related to a series of speeding convictions obtained by the Applicant which had resulted in a disqualification from

driving for six months under the totting up procedure. In this regard the Committee accepted the Applicant's account that the speeding convictions had been obtained solely whilst driving a motorbike through leisure pursuits and not in connection with the Applicant's business or in a professional capacity as a licensed driver.

Given the above policy provision, the Committee then considered section 3.19 of the same policy that provided a policy provision should only be departed from in exceptional circumstances and for justifiable reasons.

Members had found the Applicant to be credible and genuine in their address to the Committee and in response to questions, and having accepted the Applicant's account of the offending behaviour, and having taken into account the Applicant's previously clean record as a licensed driver and the character references provided, the Committee was satisfied that the Applicant was a fit and proper person to hold a licence. The Committee concluded therefore that there were exceptional circumstances and justifiable reasons, namely that the speeding convictions obtained by the Applicant had been purely in relation to motorcycling and not in connection with their business or whilst driving in their capacity as a licensed driver, under section 3.19 of the policy to make a departure from the provision in section 4.22 and grant the application.

The Committee's decision and reasons therefore were conveyed to the Applicant.

8 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 554278

A confidential report by the Head of Planning, Public Protection and Countryside Services had been submitted (previously circulated) seeking determination of an application to drive hackney carriage and private hire vehicles from Applicant No. 554278. Officers had been advised that morning by the Applicant's representative that the Applicant had been hospitalised and therefore unable to attend the meeting. It was not clear whether the Applicant wished to pursue the application. Consequently the Applicant's representative had requested an adjournment in this case in order to ascertain the Applicant's intentions with regard to the application.

The Legal Adviser set out the options available to the Committee to either adjourn the matter to another occasion, or proceed with determining the application in the absence of the Applicant. Given the circumstances in this case and in the interests of fairness, the legal advice was that members grant an adjournment.

Having considered the adjournment request together with the legal advice provided, and having been put to the vote, it was subsequently –

RESOLVED that consideration of the application for a licence to drive hackney carriage and private hire vehicles from Applicant No. 554278 be deferred to the next scheduled meeting of the Licensing Committee.

Prior to bringing the meeting to a close, and in the absence of the Chair of the Licensing Committee Councillor Hugh Irving and on his behalf, the Vice Chair Councillor Brian Jones thanked members for their hard work and service on the

Committee. Thanks were also conveyed to both licensing and support officers. A special mention was made to the Committee's Legal Adviser who was attending his last meeting of the Licensing Committee with best wishes to him for the future.

The meeting concluded at 11.00 am.