

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 12 June 2019 at 9.30 am.

PRESENT

Councillors Joan Butterfield, Hugh Irving, Alan James, Brian Jones, Richard Mainon, Barry Mellor, Melvyn Mile, Arwel Roberts, Rhys Thomas, Tony Thomas and Huw Williams

Observer – Councillor Meirick Davies

ALSO PRESENT

Solicitor (AL), Public Protection Business Manager (IM), Licensing Officer (NJ), Licensing Enforcement Officers (HB & KB) and Committee Administrator (KEJ)

POINT OF NOTICE

The start of the meeting was delayed until 9.50 a.m. due to travel disruption caused by surface water and flooding issues in the area which affected attendance. The order of agenda items was subsequently changed to ensure the Solicitor was present for those business items for which the Committee required a Legal Adviser (minute items 8 – 10).

1 APOLOGIES

There were no apologies.

2 APPOINTMENT OF CHAIR

Nominations were sought for Chair of the Licensing Committee for 2019/20. Councillor Tony Thomas proposed, seconded by Councillor Huw Williams that Councillor Hugh Irving be appointed Chair. Councillor Joan Butterfield proposed, seconded by Councillor Barry Mellor that Councillor Alan James be appointed Chair. There being no further nominations and upon being put to the vote it was –

RESOLVED that Councillor Hugh Irving be appointed Chair of the Licensing Committee for the ensuing year.

3 APPOINTMENT OF VICE CHAIR

The Chair invited nominations for Vice Chair of the Licensing Committee for 2019/20. Councillor Joan Butterfield proposed, seconded by Councillor Barry Mellor that Councillor Alan James be appointed Vice Chair. Councillor Richard Mainon proposed, seconded by Councillor Tony Thomas that Councillor Brian Jones be appointed Vice Chair. There being no further nominations and upon being put to the vote it was –

***RESOLVED** that Councillor Brian Jones be appointed Vice Chair of the Licensing Committee for the ensuing year.*

4 DECLARATION OF INTERESTS

No declarations of interest had been raised.

5 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

6 MINUTES OF THE LAST MEETING

The minutes of the Licensing Committee held on 5 March 2019 were submitted.

***RESOLVED** that the minutes of the meeting held on 5 March 2019 be received and confirmed as a correct record.*

7 LICENSING COMMITTEE FORWARD WORK PROGRAMME

A report by the Head of Planning and Public Protection was submitted (previously circulated) presenting the Licensing Committee's work programme for 2019/20.

***RESOLVED** that the proposed forward work programme as detailed in the appendix to the report be approved.*

8 UPDATE ON STATEMENT OF POLICY REGARDING THE SUITABILITY OF APPLICANTS AND LICENSEES IN THE HACKNEY CARRIAGE AND PRIVATE HIRE TRADES

The Licensing Officer submitted a report (previously circulated) presenting the draft Statement of Policy regarding the suitability of applicants and licensees in the hackney carriage and private hire trades for approval with effect from 1 July 2019.

On 5 December 2018 the Licensing Committee resolved to adopt the Institute of Licensing Guidance and instructed officers to draft a policy which met the contents of the document. Since then much work had been undertaken to engage with licensees and raise awareness of the Guidance which included a newsletter to all members of the licensed trade, a social media campaign and a number of licensing surgeries held throughout the county. It was intended to apply the policy to all new licences from 1 July 2019 with existing licensees only being subject to review in the event that additional convictions were accrued. Given that the Council was adopting a national policy it was noted that changes could be made nationally and members were asked to consider whether to authorise officers to adopt minor changes without reporting back to the Committee. Where significant changes were made it was recommended officers update members at the next available meeting.

During debate members were extremely disappointed to note that only three licence holders had attended the licensing surgeries, particularly given the significant

efforts made by officers to engage with the trade. In addition to the social media campaign officers confirmed that a newsletter had been sent to every licence holder within the county. Reference was made to the hard work of both officers and members in continually reviewing and adopting policies in order to raise standards and effect improvements within the licensed trade and the Statement of Policy was the latest document within that process of continual improvement. Notwithstanding the lack of response from the trade despite best efforts to engage them in the process, it was accepted that all licence holders had been given ample opportunity to respond and therefore members agreed to adopt the policy and authorise officers to adopt any subsequent changes made nationally. However Councillor Joan Butterfield proposed, seconded by Councillor Alan James that in the event of any future complaint or enquiry from licensees regarding the document, the officers, in consultation with the Chair, be authorised to respond confirming that the matter would not be brought back before the Committee given that the opportunity to respond to the Statement of Policy had passed. Upon being put to the vote it was –

RESOLVED that –

- (a) *the Statement of Policy regarding the suitability of applicants and licensees in the hackney carriage and private hire trades (attached at Appendix A to the report) be adopted with an implementation date of 1 July 2019;*
- (b) *officers be authorised to make such changes as detailed in paragraph 4.8 of the report so that the Statement of Policy regarding the Suitability of Applicants and Licensees in the Hackney Carriage and Private Hire Trades maintains consistency with the national guidance document, and*
- (c) *in the event of any future complaint or enquiry from licensees regarding the Statement of Policy document the officers, in consultation with the Chair, be authorised to respond confirming that the matter would not be brought back before the Licensing Committee given that the opportunity to respond to the policy document had passed.*

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 item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act.

9 APPLICATION FOR A PRIVATE HIRE VEHICLE LICENCE

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

- (i) an application having been received for a Private Hire Vehicle Licence;
- (ii) officers having not been in a position to grant the application as the vehicle presented for licensing did not comply with the Council's policy with regard to the five year age limit for vehicles licensed under a new application;

- (iii) additional conditions being applicable to the licensing of specialist vehicle types such as the one presented in this case together with photographs of the vehicle subject of the application, and
- (iv) the Applicant having been invited to attend the meeting in support of the application and to answer members' questions thereon.

The Applicant was in attendance and confirmed he had received the report and committee procedures.

The Licensing Officer summarised the report and explained that the Applicant initially presented the vehicle as a substitute vehicle for licensing at the Committee's last meeting but on reflection had proceeded with the original vehicle as detailed on his application form which was subsequently granted. However the Applicant had never used the licensed vehicle and instead preferred to licence the substitute vehicle. The Council's policy specified that vehicles subject of a new application must be no older than five years and the vehicle presented for licensing was eleven years old. Consequently members were asked to consider the Applicant's request to depart from the Council's policy and grant the application.

The Applicant presented his case advising that he was a responsible, long established specialist vehicle operator but had fallen foul of the new vehicle age specification. He referred to his presentation before the last Licensing Committee when he was granted a vehicle licence, contrary to the five year age limit, on the basis of the vehicle type, being a specialist luxury vehicle used for specific pre booked occasions and events. Since purchasing that vehicle he had acquired a newer, superior model – hence his subsequent application to the Licensing Committee. In elaborating upon the merits of the proposed vehicle for licensing he provided evidence of maintenance and service schedules together with assurances regarding high vehicle standards. In response to questions he further elaborated upon the nature and operation of his business. The Applicant indicated that he had nothing further to add in terms of a final statement.

At this juncture the committee adjourned to consider the application and it was –

RESOLVED that the application for a Private Hire Vehicle Licence be granted subject to the additional conditions as detailed in Appendix 2 to the report.

The reasons for the Licensing Committee's decision were as follows –

Members had carefully considered the application and case put forward by the Applicant and noted the nature and type of business operated and that he was a reputable and long established operator of such specialist services. On that basis and having considered specifically the type of vehicle proposed to be licensed members agreed that a case had been made to deviate from their age limit policy in this instance and grant the application as applied for, subject to the additional conditions applicable to the specialist vehicle type.

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

10 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 533519

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

- (i) an application having been received from Applicant No. 533519 for a licence to drive hackney carriage and private hire vehicles;
- (ii) the Applicant having failed to disclose three criminal convictions and a police caution relating to offences committed between 1977 – 2000 which had been revealed following an enhanced Disclosure and Barring Service check;
- (iii) relevant documentation relating to the case including the Applicant's formal interview and explanation of the circumstances relating to the convictions and reasoning for non-disclosure having been attached to the report, and
- (iv) the Applicant having been invited to the meeting in support of his application and to answer members' questions thereon.

The Applicant was accompanied by a relative and confirmed he had received the report and committee procedures.

The Enforcement Officer (HB) summarised the report and facts of the case.

The Applicant provided some context to the historic convictions and his personal circumstances during that time and also explained how his life had changed since then with a view to demonstrating that he was trustworthy and responsible individual and a fit and proper person to hold a licence. A reference was provided from the Applicant's current employer attesting to his good character, his excellent customer relations and positive outlook and he was accompanied by a relative who also spoke on his behalf. He also responded to questions raised by members with a view to ascertaining his suitability to hold a licence. With regard to his non-disclosure of convictions the Applicant explained there had been no intention to deceive given that he had provided all necessary details to enable a police check but had thought it related specifically to prison sentences and that his convictions were long spent.

The committee adjourned to consider the application and it was –

RESOLVED that the application for a hackney carriage and private hire vehicle driver's licence from Applicant No. 533519 be granted.

The reasons for the Licensing Committee's decision were as follows –

Members had carefully considered the application and case made by the Applicant for granting a licence. The Committee noted that the convictions had been imposed a considerable time ago and that the Applicant had undergone significant life changing events since then and were satisfied that there was a low risk of re-

offending. The Committee found the Applicant to be genuine in his submissions and honest in responding to questions and accepted his explanation behind the non-disclosure believing there had been no deliberate intention to deceive. It was considered that the Applicant had demonstrated, through his submissions, character reference and family support that he was responsible, trustworthy and of good character and therefore a fit and proper person to hold a licence. However members impressed upon the Applicant the importance of full and correct disclosure in the future.

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

The meeting concluded at 11.00 a.m.