

CITY AND COUNTY OF SWANSEA

MINUTES OF THE GENERAL LICENSING COMMITTEE

HELD AT COMMITTEE ROOM 1, CIVIC CENTRE, SWANSEA. ON
FRIDAY, 27 JUNE 2014 AT 10.00 AM

PRESENT: Councillor P M Matthews (Chair) Presided

Councillor(s)	Councillor(s)	Councillor(s)
A C S Colburn	K E Marsh	A S Lewis
D W Cole	B G Owen	H M Morris
P Downing (Vice Chair)	T H Rees	

Officers:-

R Jenkins	–	Licensing Officer
Y Lewis	–	Licensing Officer
K Clague	–	Lawyer
S Woon	–	Democratic Services Officer

26 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors C E Lloyd, P Lloyd and C L Philpott.

27 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTEREST**

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interest was declared:

Councillor B G Owen – Personal – minute no. Town Police Clauses Act 1847 – Local Government (Miscellaneous Provisions) Act 1976 – Hackney Carriage and Private Hire Drivers' Licence 1123 – BL – I have known the individual as I am the local councillor.

28 **EXCLUSION OF THE PUBLIC**

The Committee were requested to exclude the public from the meeting during consideration of the item of business identified in the recommendations to the report on the grounds that they involve the likely disclosure of exempt information as set out in the exclusion paragraph of 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 relevant to the items of business as set out in the report.

The Committee considered the Public Interest Test in deciding to exclude the public from the meeting for the item of business where the Public Interest Test was relevant as set out in the report.

It was **RESOLVED** that the public be excluded for the following items on the agenda.

29 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1976 - HACKNEY CARRIAGE AND
PRIVATE HIRE DRIVER'S LICENCE 1125 - BL**

The Divisional Licensing Officer advised that BL's representatives had sought an adjournment of decision as BL's Mother was critically ill.

Mr Henson, Goldstone's Solicitors, requested that the matter be deferred due to BL's Mother being critically ill.

The Lawyer advising the Committee stated that the Committee had obtained information from BL's employer who had confirmed that BL had undertaken shifts during the week. Additionally, concern was expressed regarding the witnesses who were in attendance for the second occasion.

Mr Henson confirmed that he was not aware of the information and had not taken instruction from BL.

The Chair asked that the Committee go into private session in order to receive legal advice.

The Lawyer advising the Committee provided legal advice.

The Lawyer advising the Committee confirmed that the Committee were not satisfied that there were genuine grounds for the application. There was a lack of information provided in terms of Applicant's mother's situation and the Committee was not satisfied that the Applicant could not reasonably have attended, particularly in light of the knowledge that BL had been working that morning and yesterday. It was noted that this was the second application for a deferral. The Committee considered the Applicant's right to a fair hearing and to be heard. It was noted that the Applicant still had time to attend today and be heard. On that basis, the Committee have **RESOLVED** that the matter be dealt with today.

OPEN SESSION

30 **MINUTES**

RESOLVED that the minutes of the meeting of the General Licensing Committee held on 30 May 2014 be approved as a correct record.

31 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 -
APPLICATION TO SUBSTITUTE A PRIVATE HIRE VEHICLE, BMW
REGISTRATION MARK FD09 EXZ - MR D HANCOCK.**

Members inspected the vehicle.

The Licensing Officer advised that an application to substitute a vehicle on an existing private hire vehicle licence had been received from Mr Hancock. The

vehicle was a white BMW, Registration Mark FD09 EXZ and is capable of carrying 4 passengers.

Members noted the background, relevant issues in relation to Hackney Carriage vehicles, Department for Transport - Taxi and Private Hire Licensing; Best Practice Guidance; March 2010 and legislation relating to the licensing of private hire vehicles.

Members asked questions of the Officer who responded accordingly.

Members asked questions of Mr Hancock who responded accordingly.

RESOLVED that the application made by Mr Hancock to substitute a vehicle to an existing private hire vehicle licence for the BMW, Registration Mark FD09 EXZ onto the private hire vehicle licence 4090 be **APPROVED** and renewed on merit.

32 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - REQUEST TO ADVERTISE ON HACKNEY CARRIAGE VEHICLES - MR R J GREENSLADE (SWANSEA BID)**

The Divisional Licensing Officer advised that a request had been received from Mr Greenslade, Chief Executive of Swansea Business Improvement District (BID) to advertise the Big Heart of Swansea branding on hackney carriage vehicles licensed within the City and County of Swansea.

It was noted that the advertising proposed does not comply with the Council's adopted guidelines for advertising therefore a Committee decision is required.

A description of the nature of the advertisement was detailed along with the Council's existing policy in relation to hackney carriage vehicles.

Mr Greenslade provided a presentation in support of his application.

Members' asked questions of Mr Greenslade and Officers who responded accordingly.

RESOLVED that the request by Mr Greenslade to advertise the Big Heart of Swansea branding on hackney carriage vehicles licensed within the City and County of Swansea be **REFUSED**.

Reason for Decision

The Committee were not satisfied that there was any good reason to depart from the guidelines in relation to advertising on taxis in Swansea. None of the designs proposed complied with the guidelines. In particular the Authority has a clear colour policy in being which clearly identifies hackney carriage and private hire vehicles and which was brought in for public safety reasons and the Committee again saw no reason to depart from this.

The Committee were also not clear regarding the number of designs submitted and felt that the red colour would confuse the public. Additionally, some of the designs presented would cover the windows which raised further concerns in respect of safety.

33 **EXCLUSION OF THE PUBLIC**

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The Committee considered the Public Interest Test in deciding to exclude the public from the meeting for the items of business where the Public Interest Test was relevant as set out in the report.

It was **RESOLVED** that the public be excluded for the following items on the agenda.

34 **TOWN POLICE CLAUSES 1847 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE - AJR.**

The Divisional Licensing Officer detailed the background details in respect of AJR.

AJR outlined the background details and circumstances relating to the offences and answered Members' questions.

Members asked questions of the Officer who responded accordingly.

RESOLVED that AJR's hackney carriage and private hire drivers licence be **REVOKED**.

Reason for Decision

The Committee felt that AJR was not a fit and proper person due to his recent conviction for dishonesty, particularly considering the number of offences and the period over which they were committed.

35 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE 1125 - BL.**

The Lawyer advising the Committee outlined the procedure to be followed in considering the matter.

The Licensing Officer detailed the background (paragraphs 1 to 7 of the report) in respect of BL.

The witnesses (as detailed in the report) joined the meeting.

The Licensing Officer detailed the background (paragraphs 8 to 15 of the report) in respect of BL.

BL, assisted by Mr Henson, Goldstone's Solicitor, outlined the background details and circumstances of the case.

The Lawyer advising the Committee confirmed the relevant issues for consideration by the Committee.

Officers and Members' asked questions of BL who responded accordingly.

The Police witness provided background details in respect of BL. Reference was made to a Police Transcript of Interview with BL.

The Lawyer advising the Committee asked Mr Henson, Goldstone's Solicitor, whether he had sight of the Police Transcript.

Mr Henson, Goldstone's Solicitor confirmed that a copy of the transcript had been requested from Cockett Police Station on 6 June; however, the copy had not been received.

The Lawyer advising the Committee sought confirmation of Mr Henson as to whether he was content for the Transcript to be referred to and circulated to Committee Members or whether he wished to seek an adjournment in order to view the Police Transcript and take instructions from his client.

Mr Henson confirmed that he wished to seek a short adjournment to consider the Transcript and take instructions from his client. He had no objection to the Police Transcript being circulated to Committee Members.

RESOLVED that the Committee Adjourn in order to allow the Solicitor representing the applicant to receive a copy of the Police Transcript and take instruction.

The meeting adjourned at 12.30 p.m.

The meeting reconvened at 1.17 p.m.

With the permission of all parties, the Police Transcript was circulated to Committee Members.

The Police Witness confirmed that a copy of the Police Transcript had been forwarded to Goldstone's Solicitors on the 10th June 2014.

The complainants (as detailed in the report) provided background details in relation to the circumstances involving BL.

Officers and Members' asked questions of the complainants who responded accordingly.

Mr Henson, Goldstones Solicitor, provided mitigation for the lack of consistency in BL's evidence and urged the Committee to take no further action.

RESOLVED that hackney carriage and private hire driver's licence held by BL be **REVOKED**.

Reason for Decision

The Committee did not consider BL's admitted conduct to be befitting of a taxi driver and as such found that she was not a fit and proper person to hold a licence. The Committee were also not satisfied with the evidence put forward by BL in answer to the complaint. The account given to the Committee by BL was later shown to be inconsistent with the statements made to the Police in the transcript of her interview and BL was unable to give any good reason for the inconsistencies when highlighted to her. The Committee considered BL had not been truthful when giving her account to the Committee.

The Committee were also mindful of the previous matter of dishonesty in 2013.

The meeting ended at 2.12 pm

CHAIR