

## CITY AND COUNTY OF SWANSEA

### NOTICE OF MEETING

You are invited to attend a Meeting of the

### GENERAL LICENSING COMMITTEE

**At:** Committee Room 1, Civic Centre, Swansea.

**On:** Friday, 27 June 2014

**Time:** 10.00 am

### AGENDA

Page No.

- 1 **Apologies for Absence.**
- 2 **Disclosures of Personal and Prejudicial Interest.** 1 - 2
- 3 **Minutes.** 3 - 6  
To approve and sign as a correct record the minutes of the General Licensing Committee held on 30 May 2014.
- 4 **Local Government (Miscellaneous Provisions) Act 1976 - Application to Substitute a Private Hire Vehicle, BMW Registration Mark FD09 EXZ - Mr D Hancock.** 7 - 10
- 5 **Local Government (Miscellaneous Provisions) Act 1976 - Request to Advertise on Hackney Carriage Vehicles - Mr R J Greenslade (Swansea BID)** 11 - 16
- 6 **Exclusion of the Public.** 17 - 20
- 7 **Town Police Clauses 1847 - Local Government (Miscellaneous Provisions) Act 1976 - Hackney Carriage and Private Hire Drivers Licence - AJR.** 21 - 35
- 8 **Town Police Clauses Act 1847 - Local Government (Miscellaneous Provisions) Act 1976 - Hackney Carriage and Private Hire Driver's Licence 1125 - BL.** 36 - 56



**Patrick Arran**  
Head of Legal, Democratic Services & Procurement  
Thursday 19 June 2014

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Contact: Democratic Services - Tel: (01792) 637292

## GENERAL LICENSING COMMITTEE (12)

### Councillors

#### Labour Councillors: 8

David W Cole	Paul Lloyd
Phil Downing ( <b>Vice Chair</b> )	Penny M Matthews ( <b>Chair</b> )
Andrea S Lewis	Hazel M Morris
Clive E Lloyd	Byron G Owen

#### Liberal Democrat Councillors: 2

C L Philpott	T Huw Rees
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#### Independent Councillor: 1

Keith E Marsh	
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#### Conservative Councillor: 1

Anthony C S Colburn	
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### Others:

Lynda Anthony	Divisional Licensing Officer 4 Copies
Paula Livingstone	Team Leader, Housing and Public Health
Lyndsay Thomas	Legal
Catherine Swain	Group Leader, Transportation
Police	
Public Relations Office	
Fire Service	
Democratic Services	
Archives	

**Total Copies needed – 28**

## Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

### Councillors

**Councillors Interests are made** in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

**NOTE:** You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
  - i) Disclose orally both the interest concerned and the existence of the dispensation; and
  - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:

- a) Details of the prejudicial interest;
- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

## **Officers**

### **Financial Interests**

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A "financial interest" is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE GENERAL LICENSING COMMITTEE

HELD AT THE CIVIC CENTRE, SWANSEA ON FRIDAY, 30 MAY 2014 AT  
10.00 AM

**PRESENT:** P M Matthews (Chair) presided

<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
A C S Colburn	P Lloyd	T H Rees
D W Cole	K E Marsh	H M Morris
C E Lloyd	B G Owen	C L Philpott

**Officers:-**

Y Lewis – Licensing Officer  
K Thomas – Licensing Officer  
L Thomas – Senior Lawyer  
G Borsden – Democratic Services Officer

5 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors P Downing and AS Lewis.

6 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTEREST.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interests were declared –

Councillor P Lloyd – Personal – Minute No.8 LJ – I know the applicant and left prior to discussion.

Councillor P Lloyd – Personal – Minute No.12 BL – I know one of the representatives who attended.

Councillor KE March – Personal – Minute No.12 BL – The solicitor representing BL is a relative and left prior to discussion.

7 **MINUTES:**

**RESOLVED** that the minutes of the following meetings be approved as correct records -

- 1) General Licensing Committee held on 25 April 2014.
- 2) General Licensing Committee held on 8 May 2014

8 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 -**  
**APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE, FORD**  
**GALAXY, REGISTRATION MARK NC53 ONR - MR LEE JONES.**

Members inspected the vehicle.

The Licensing Officer advised that an application for a restricted private hire vehicle licence had been received from Mr Jones. The vehicle was a blue Ford Galaxy, Registration Mark NC53 ONR and is capable of carrying 6 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 Jones who responded accordingly.

**RESOLVED** that the application made by Mr Jones for a restricted private hire vehicle licence for the Ford Galaxy, Registration Mark NC53 0NR for the purpose of airport travel, executive hire and school contracts only be **APPROVED** and renewed on merit.

9 **TOWN POLICE CLAUSES ACT 1847 - APPLICATION TO SUBSTITUTE A HACKNEY CARRIAGE VEHICLE - SKODA RAPID, REGISTRATION MARK YN63 YSS - MR VLADIMIRS SIDORENKO.**

Members inspected the vehicle.

The Licensing Officer advised that an application to substitute a vehicle on an existing hackney carriage vehicle licence had been received from Mr Sidorenko. The vehicle was a black Skoda Rapid, Registration Mark YN63 YSS 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 hackney carriage vehicles.

Members asked questions of the Officer who responded accordingly.

Members asked questions of Mr Sidorenko who responded accordingly.

**RESOLVED** that the application made by Mr Sidorenko to substitute the black Skoda Rapid, Registration Mark YN63 YSS onto the hackney carriage vehicle licence 4081 **BE APPROVED**.

10 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE, HUMMER H2, REGISTRATION MARK W9 HUM - MR ANDREW SMITH.**

Members inspected the vehicle.

The Licensing Officer advised that an application to licence a restricted private hire vehicle had been received from Mr Smith. The vehicle was a Hummer H2, Registration Mark W9 HUM, is left hand drive and is capable of carrying 5 passengers.

Members' noted the background, relevant issues in relation to restricted private hire vehicles, the Department of Transport – Taxi and Private Hire Licensing, best practice guidance March 2010 and legislation relating to the licensing of restricted private hire vehicles.

Members asked questions of the Officer who responded accordingly.

Members' asked questions of Mr Smith who responded accordingly.

**RESOLVED** that the application made by Mr Smith for a restricted private hire vehicle licence in respect of the Hummer H2, Registration Mark H2 HUM for the purpose of executive hire only be **APPROVED** and renewed on merit.

11 **EXCLUSION OF THE PUBLIC.**

The Committee were requested to exclude the public from the meeting during consideration of the items 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 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.

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

The Licensing Officer and Senior Lawyer reported on the request from BL's solicitor to defer the matter until the 27 June meeting in order that certain legal issues relating to the Officers report are able to be clarified.

**RESOLVED** that the matter be deferred to the June 27 meeting in order for BL's solicitor to clarify various legal issues contained in the report.

(Note: Following deferment the representatives of both the complainants and South Wales Police present were advised of the decision and the reason behind it.)

13 **EQUALITY ACT 2010 - PASSENGERS IN WHEELCHAIRS - REQUEST FOR AN EXEMPTION CERTIFICATE - MS.**

The Licensing Officer reported on the request form MS for an exemption certificate from carrying wheelchairs for a six month period due to a shoulder injury.

The report from MS's doctor was detailed.

Members asked questions of MS who responded accordingly.

**RESOLVED** that the request from MS for an exemption from carrying wheel chair users in his hackney carriage vehicle for the period until 30 November 2014 **BE APPROVED**.

14 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT  
(MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A HACKNEY  
CARRIAGE AND PRIVATE HIRE DRIVER LICENCE - PRH.**

The Licensing Officer detailed the background details in respect of PRH.

PRH 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 PRH's application for the grant of a hackney carriage and private hire driver's licence be **APPROVED** subject to a warning letter regarding his future conduct.

15 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT  
(MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A  
RESTRICTED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE -  
HJ.**

The Licensing Officer detailed the background details in respect of HJ.

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

**RESOLVED** that HJ's application for the grant of a hackney carriage and private hire driver's licence be **APPROVED** subject to a warning letter regarding his future conduct.

The meeting ended at 11.23 am

**CHAIR**



**REPORT OF THE DIVISIONAL OFFICER**  
**LICENSING, FOOD & SAFETY**  
**GENERAL LICENSING COMMITTEE - 27 JUNE 2014**

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

**1.0 INTRODUCTION**

- 1.1 An application to substitute a vehicle on to an existing private hire vehicle licence has been received from Mr David Hancock. The vehicle is a white BMW, Registration Mark FD09 EXZ and is capable of carrying 4 passengers.

**2.0 BACKGROUND**

- 2.1 The existing licensed vehicle, plate number PH4090, registration mark E055 VWC is a White Skoda Octavia, licensed to carry 4 passengers. This vehicle is now 8 years and 9 months old and the mileage recorded on its last inspection on the 22<sup>nd</sup> August 2013 was 292,806. The licence for this vehicle expires on 31<sup>st</sup> August 2014.
- 2.2 The vehicle Mr Hancock wishes to substitute onto this licence is 4 years and 10 months. The vehicle passed the Council's inspection on the 10<sup>th</sup> June 2014 and the mileage recorded at this time was 95,376 miles.
- 2.3 Mr Hancock has confirmed that his existing vehicle is 'breaking down' and due to the repairs it is too expensive to keep on the road.
- 2.4 The vehicle inspection has also confirmed that the vehicle does not carry a spare wheel as it was designed and fitted with run flat tyres.
- 2.5 Council's current age policy states:  
*"vehicles will not be accepted for licensing on the first occasion after 2 years from the date of first registration. Vehicles purchased from new will be re-licensed on merit.*  
*If a vehicle when first licensed is any age up to 2 years from date of first registration it will be re-licensed on merit until it is 6 years old".*
- 2.6 In addition to this matter, the restricted private hire vehicle conditions also state:  
*"The proprietor shall ensure that the licensed vehicle at all times carries a spare wheel which complies with current legal requirements (paying particular attention to depth of tread) and wheel changing equipment including a jack and wheel brace".*

- 2.7 Run flat tyres have either a reinforced sidewall or additional internal structure to provide partial support to the tyre in a deflated condition and are being offered by more and more manufacturers on new cars. There are restrictions on use following a puncture. However in general deflated tyres should be capable of at least 50 miles, depending on load at speeds of up to 50 MPH.
- 2.8 Members are therefore being asked to consider whether the BMW vehicle, Registration Number FD09 EXZ is suitable for licensing as a private hire vehicle in Swansea.
- 2.9 In order to assist Members in reaching their decision the vehicle will be available for inspection at the Civic Centre on Friday 27<sup>th</sup> June 2014.

**3.0. THE DEPARTMENT FOR TRANSPORT TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE: MARCH 2010**

- 3.1 The Department for Transport published its Best Practice Guidance in March 2010 to assist local authorities in England and Wales that have responsibility for the regulation of the taxi and private hire vehicle (PHV) trades. This states:

*It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license*

*vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.*

**4.0 LEGISLATION RELATING TO THE LICENSING OF PRIVATE HIRE VEHICLES**

- 4.1 The powers relating to the licensing of private hire vehicles are contained in Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 which states:

**“Licensing of private hire vehicles**

Provided that a district council shall not grant such a licence unless they are satisfied –

- (a) that the vehicle is –
  - (i) suitable in type, size and design for use as a private hire vehicle;
  - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
  - (iii) in a suitable mechanical condition;
  - (iv) safe; and
  - (v) comfortable
  
- (b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of the Road Traffic (Consequential Provisions) Act 1988, s 4, Sch 3, para 16 and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.
  
- (2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this sub-section, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates’.
  
- (3) In every vehicle licence granted under this section there shall be specified—
  - (a) the name and address of—
    - (i) the applicant; and
    - (ii) every other person who is a proprietor of the private hire vehicle in respect of which the licence is granted, or who is concerned, either solely or in partnership with any other person, in the keeping, employing or letting on hire of the private hire vehicle;
  
  - (b) the number of the licence which shall correspond with the number to be painted or marked on the plate or disc to be exhibited on the private hire vehicle in accordance with subsection (6) of this section;
  
  - (c) the conditions attached to the grant of the licence; and
  
  - (d) Such other particulars as the district council consider reasonably necessary.
  
- (4) Every licence granted under this section shall –

- (a) be signed by an authorised officer of the council which granted it;
  - (b) relate to not more than one private hire vehicle; and
  - (c) remain in force for such period not being longer than one year as the district council may specify in the licence.
- (5) Where a district council grant under this section a vehicle licence in respect of a private hire vehicle they shall issue a plate or disc identifying that vehicle as a private hire vehicle in respect of which a vehicle licence has been granted.
- (6) (a) Subject to the provisions of this Part of this Act, no person shall use or permit to be used in a controlled district as a private hire vehicle in respect of which a licence has been granted under this section unless the plate or disc issued in accordance with subsection (5) of this section is exhibited on the vehicle in such manner as the district council shall prescribe by condition attached to the grant of the licence.
- (b) If any person without reasonable excuse contravenes the provisions of this subsection he shall be guilty of an offence.
- (7) Any person aggrieved by the refusal of a district council to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a magistrates' court.
- 4.2 It is evident from section 48 above that the Council are not under a duty to issue a licence once an application has been made, they have discretion. Section 48(1)(a) and (b) also includes specific situations where a council must not grant a licence.

## **5.0 RECOMMENDATION**

It is recommended that after careful consideration of the detail of this report and hearing from Mr Hancock, Members determine whether to:

- a. grant the application made by Mr Hancock to substitute the BMW vehicle registration mark ED09 EXZ onto the private hire vehicle licence 4090 and that this licence is renewed on merit .

OR

- b. refuse the application made by Mr Hancock to substitute the BMW vehicle registration mark ED09 EXZ onto the private hire vehicle licence giving reasons why it is considered unsuitable under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

**The Licensing Committee's instructions are requested.**

**Background Papers:** Licence Application  
**Contact Officer:** Richard Jenkins  
**Extension:** 5600  
**Legal Contact:** Kath Clague

**REPORT OF THE DIVISIONAL OFFICER**  
**LICENSING, FOOD & SAFETY**  
**GENERAL LICENSING COMMITTEE - 27 JUNE 2014**

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

1. A request has 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 & County of Swansea. A copy of the request is attached at Appendix A.
2. The advertising proposed does not comply with the Council's adopted guidelines for advertising therefore a Committee decision is required.
3. The advertising requested proposes a full livery vinyl wrap for hackney carriage vehicles only, in particular London style cabs but Mr Greenslade has indicated that he is open to suggestions of other types of vehicles also. A copy of the proposed advertisement is attached at Appendix B. The options available for the vehicle livery wrap are white vinyl with a red logo or red vinyl with a white logo.
4. As Members will see from the proposed advertisement shown in Appendix B, the Council's door signs displaying the licence number of the vehicle, situated on the two front doors of every hackney carriage vehicle has not been incorporated.
5. The Council's existing policy in relation to hackney carriage vehicles requires that all vehicles must be black in colour and the advertising guidelines state:

“h. Any advertisements shall be placed on the back passenger doors only, below the windows.

All “identification signs” displaying the company details must be displayed on the front door of the vehicle only, below the window and must not obscure the sign displaying the licence number of the vehicle.”

“Any company logo, advertising the Operator's or Proprietor's own taxi or private hire business, which has been approved in accordance with the guidelines may be displayed on the front bonnet, rear of the vehicle and/or the back passenger doors only.”

“Identification signs – signs stating the company name and telephone number must be securely fixed adjacent to the door stickers displaying the licence number of the vehicle and must obtain provisional and final approval”. A copy of the advertising guidelines are attached at Appendix C of the report.

6. As Members are aware, the Council currently requires that all hackney carriages are black and private hire vehicles are white. This colour requirement is unique to City & County of Swansea and has been in place for hackney carriages since before Local Government Reorganisation (LGR) in 1996 and since 1998 in respect of private hire vehicles.
7. These requirements were originally brought in as a measure to ensure public safety so that the public can readily identify that such vehicles are licensed and therefore safe to use.
8. Should Members be minded to approve the request by Mr Greenslade, applications will still need to be made on an individual basis from each proprietor of the hackney carriage. Officers will inspect the vehicles and grant final approval in accordance with the advertising guidelines and the Licensing Committee's instructions.

**The Licensing Committee's instructions are requested.**

<b>Background Papers:</b>	Licence Application
<b>Contact Officer:</b>	Richard Jenkins
<b>Extension:</b>	5600
<b>Legal Contact:</b>	Kath Clague

Jenkins, Richard

Appendix A

**From:** Russell Greenslade [Russell@swanseabid.co.uk]  
**Sent:** 22 May 2014 13:06  
**To:** Jenkins, Richard  
**Subject:** Taxi Vinyling  
**Attachments:** Notes for Hackney Carriages vehicles amended June 2011 formatted.doc; txi wrap ideas.pdf

Dear Richard,

Please accept this email as a formal request to the Licensing Section to consider and ultimately sanction Vinyl wrapping Black Cabs.

I wish to vinyl wrap a number of Black Cab Taxis with our Big Heart of Swansea branding. This consumer brand was developed between Swansea BID and the Local Authority to promote Swansea City Centre in August 2013. As part of the strategic marketing plan we have implemented billboards, press, radio and social media campaigns which will continue coupled with the development of the successful Big Heart of Swansea City Centre Loyalty Card.

As a company we are now keen and ready to develop this brand further and feel vinyl wrapping Black Cab Taxis would be an ideal way of doing this supporting the numerous other projects we have planned such as City Centre Ambassadors dressed in Big Heart of Swansea Branding positioned at key access points and within the City Centre. We would also provide Taxi Drivers whose vehicles are vinyled with Big heart of Swansea Uniforms.

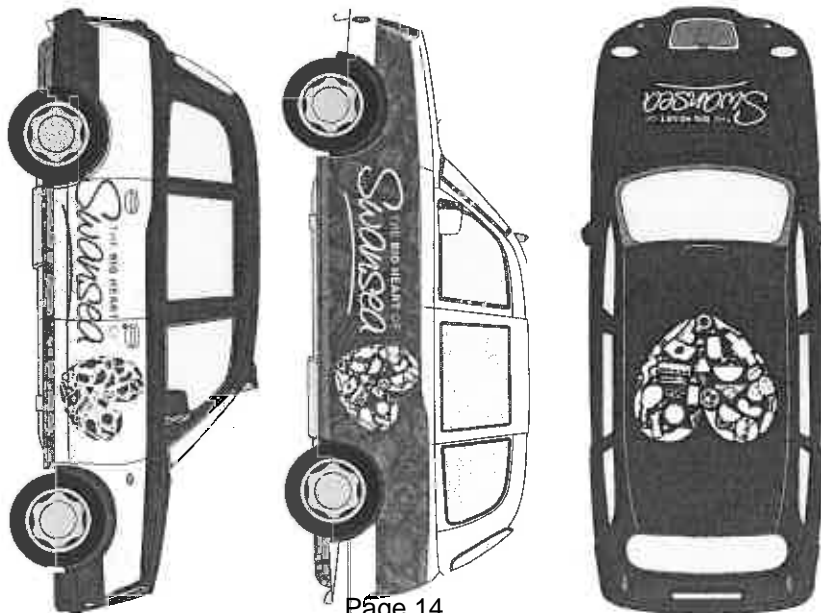
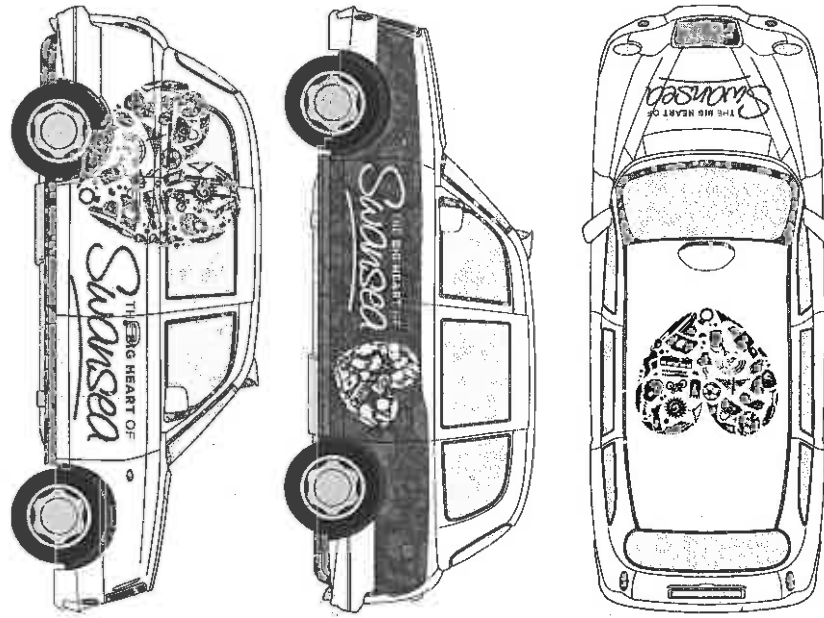
Three example Images are attached for the Members consideration. The vinyl wrapping project would be delivered by a Swansea based and operated company.

I am more than happy to address Members and answer any questions/queries concerning our request if they so wish.

Kind regards,

Russell J Greenslade BA (Hons) CM FCIM FCI FInstLM  
 Chief Executive  
 1 Picton Lane  
 Swansea  
 SA1 4AF  
 Direct Line (01792) 475021  
 Mobile 07971 018 999  
[www.swanseabid.co.uk](http://www.swanseabid.co.uk)  
[www.facebook.com/swanseabid](http://www.facebook.com/swanseabid)  
[www.twitter.com/swanseaBID](http://www.twitter.com/swanseaBID)





Appendix B



**ADVERTISING**

36. No fittings or signs, except those approved by the Council or its authorised officers shall be attached to the inside or outside of the vehicle.

**GUIDELINES FOR ADVERTISING OR DISPLAYING A COMPANY LOGO ON HACKNEY CARRIAGE VEHICLES**

- a. All applications for advertising or to display a company logo on or inside a hackney carriage vehicle must be made in writing to the Director of Environment and accompanied by a sample of the advertising or company logo proposed.
- b. The quality of submissions must be of an acceptable standard. No faxes will be accepted. Coloured artwork is to be provided in every case and full details of the advertising proposals must be provided. **(NB it is essential that all the details of the proposed advertisement is shown in the original submission. If it is not, then the advertisement may subsequently be rejected).**
- c. The submission, if it is considered acceptable will be given **Provisional Approval**.
- d. **Final Approval** will be given once the advertisement or company logo has been placed on the vehicle. An appointment must be made with a Taxi Licensing Officer for a final inspection when the Officer will confirm that the work has been completed in accordance with the provisional approval granted.
- e. The proprietor of any vehicle displaying an advertisement or company logo that has not received its final inspection will be required to remove it immediately.
- f. Vehicles displaying advertising or a company logo without approval of the Council will be in contravention of the conditions attached to the vehicle licence and may be liable to suspension until such time as the material has been removed from the vehicle.
- g. All advertising must comply with the British Codes of Advertising and Sales Promotion and is the responsibility of the agency or individual seeking the Licensing Authority's approval to ensure that they do so.
- h. Any advertisement approved shall be placed on the back passenger doors only, below the windows.

All "identification signs" displaying the company details (see point l below), must be displayed on the front door of the vehicle only, below the window and must not obscure the sign displaying the licence number of the vehicle.

Any company logo, advertising the Operator's or Proprietor's own taxi or private hire business, which has been approved in accordance with condition 36 (d) above, may be displayed on the front bonnet, rear of the vehicle and/or on the back passenger doors only.

- i. Materials used for advertisements or company logos must be of a quality not easily defaced or detached. No paper-based materials or water soluble adhesive paste shall be used. Advertisements must be affixed directly to the exterior rear door panels of the vehicle or initially attached to an approved magnetic panel which is then attached to the vehicle.
- j. Reflective material is not to be used for advertising purposes or displaying company logos.
- k. Each proposal will be considered on its merits but the following advertisements or company logos will not be approved:
  - \* those with political, racial, religious, sexual or controversial texts;
  - \* those for escort agencies, gaming establishments or massage parlours;
  - \* those displaying nude or semi-nude figures;
  - \* those likely to offend public taste (depicting violence, obscene or distasteful language)
  - \* those which have any reference to alcohol, tobacco/cigarettes and drugs;
  - \* those promoting discounted fares;
  - \* those advertising jobs;
  - \* those which detract from the integrity and/or identity of the vehicle;
  - \* those which seek to advertise more than one company/service or product.
- l. Identification signs – signs stating the company name and telephone number must be securely fixed adjacent to the door stickers displaying the licence number of the vehicle and must obtain provisional and final approval.
- m. Advertising or displaying company logos on the underside of flip down seats is allowed provided any application received complies with the above guidelines.
- n. Advertising or displaying company logos within or on the rear of the headrests is allowed provided any application received complies with the above guidelines.

## Report of the Head of Legal, Democratic Services & Procurement

General Licensing Committee – 27 June 2014

### EXCLUSION OF THE PUBLIC

<b>Purpose:</b>	To consider whether the Public should be excluded from the following items of business.	
<b>Policy Framework:</b>	None.	
<b>Reason for Decision:</b>	To comply with legislation.	
<b>Consultation:</b>	Legal.	
<b>Recommendation(s):</b>	It is recommended that:	
<b>1)</b>	The public be excluded from the meeting during consideration of the following item(s) of business on the grounds that it / they involve(s) the likely disclosure of exempt information as set out in the Paragraphs listed below of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 subject to the Public Interest Test (where appropriate) being applied.	
	<b>Item No.</b>	<b>Relevant Paragraphs in Schedule 12A</b>
	7 and 8	12, 13 & 18
<b>Report Author:</b>	Democratic Services	
<b>Finance Officer:</b>	Not Applicable	
<b>Legal Officer:</b>	Patrick Arran – Head of Legal, Democratic Services and Procurement (Monitoring Officer)	

## 1. Introduction

- 1.1 Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, allows a Principal Council to pass a resolution excluding the public from a meeting during an item of business.
- 1.2 Such a resolution is dependant on whether it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in section 100I of the Local Government Act 1972.

## 2. Exclusion of the Public / Public Interest Test

- 2.1 In order to comply with the above mentioned legislation, **Council / Cabinet / Committee** will be requested to exclude the public from the meeting during consideration of the item(s) of business identified in the recommendation(s) to the report on the grounds that it / they involve(s) the likely disclosure of

exempt information as set out in the Exclusion Paragraphs of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

- 2.2 Information which falls within paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 2.3 The specific Exclusion Paragraphs and the Public Interest Tests to be applied are listed in **Appendix A**.
- 2.4 Where paragraph 16 of the Schedule 12A applies there is no public interest test. Councillors are able to consider whether they wish to waive their legal privilege in the information, however, given that this may place the Council in a position of risk, it is not something that should be done as a matter of routine.

### **3. Financial Implications**

- 3.1 There are no financial implications associated with this report.

### **4. Legal Implications**

- 4.1 The legislative provisions are set out in the report.
- 4.2 Councillors must consider with regard to each item of business set out in paragraph 2 of this report the following matters:
  - 4.2.1 Whether in relation to that item of business the information is capable of being exempt information, because it falls into one of the paragraphs set out in Schedule 12A of the Local Government Act 1972 as amended and reproduced in Appendix A to this report.
  - 4.2.2 If the information does fall within one or more of paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended, the public interest test as set out in paragraph 2.2 of this report.
  - 4.2.3 If the information falls within paragraph 16 of Schedule 12A of the Local Government Act 1972 in considering whether to exclude the public members are not required to apply the public interest test but must consider whether they wish to waive their privilege in relation to that item for any reason.

**Background Papers:** None

## Public Interest Test

No.	Relevant Paragraphs in Schedule 12A
<b>12</b>	<b>Information relating to a particular individual.</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 12 should apply. His view on the public interest test was that to make this information public would disclose personal data relating to an individual in contravention of the principles of the Data Protection Act. Because of this and since there did not appear to be an overwhelming public interest in requiring the disclosure of personal data he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>13</b>	<b>Information which is likely to reveal the identity of an individual.</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 13 should apply. His view on the public interest test was that the individual involved was entitled to privacy and that there was no overriding public interest which required the disclosure of the individual's identity. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>14</b>	<b>Information relating to the financial or business affairs of any particular person (including the authority holding that information).</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 14 should apply. His view on the public interest test was that:</p> <ul style="list-style-type: none"> <li>a) Whilst he was mindful of the need to ensure the transparency and accountability of public authority for decisions taken by them in relation to the spending of public money, the right of a third party to the privacy of their financial / business affairs outweighed the need for that information to be made public; or</li> <li>b) Disclosure of the information would give an unfair advantage to tenderers for commercial contracts.</li> </ul> <p>This information is not affected by any other statutory provision which requires the information to be publicly registered.</p> <p>On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>15</b>	<b>Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the</b>

	<b>Crown and employees of, or office holders under, the authority.</b>
	The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 15 should apply. His view on the public interest test was that whilst he is mindful of the need to ensure that transparency and accountability of public authority for decisions taken by them he was satisfied that in this case disclosure of the information would prejudice the discussion in relation to labour relations to the disadvantage of the authority and inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.
<b>16</b>	<b>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</b>
	No public interest test.
<b>17</b>	<b>Information which reveals that the authority proposes:</b> <b>(a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</b> <b>(b) To make an order or direction under any enactment.</b>
	The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 17 should apply. His view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by the public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.
<b>18</b>	<b>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</b>
	The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 18 should apply. His view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.
<b>18c</b>	The deliberations of a Standards Committee or of a sub committee of a Standards Committee established under the provisions of the Local Government Act 2000 in reaching any finding of a matter referred to it.

# Agenda Item 7

By virtue of paragraph(s) 12, 13, 18 of Schedule 12A  
of the Local Government Act 1972  
as amended by the Local Government (Access to  
Information) (Variation) (Wales) Order 2007.

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By virtue of paragraph(s) 12, 13, 18 of Schedule 12A  
of the Local Government Act 1972  
as amended by the Local Government (Access to  
Information) (Variation) (Wales) Order 2007.

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# Agenda Item 8

By virtue of paragraph(s) 12, 13, 18 of Schedule 12A  
of the Local Government Act 1972  
as amended by the Local Government (Access to  
Information) (Variation) (Wales) Order 2007.

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