

CITY AND COUNTY OF SWANSEA

MINUTES OF THE GENERAL LICENSING COMMITTEE

HELD AT COMMITTEE ROOM 1 - CIVIC CENTRE ON FRIDAY, 17

OCTOBER 2014

AT 10.00 AM

PRESENT: P M Matthews (Chair) Presided

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

62 **APOLOGIES FOR ABSENCE.**

An apology for absence was received from Councillor A S Lewis.

63 **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 D W Cole – Personal – Minute No. 70 – Town Police Clauses Act 1847 – Local Government (Miscellaneous Provisions) Act 1976 – Application for a Restricted Hackney Carriage and Private Hire Driver Licence – GWH - GWH is known to me. Councillor D W Cole left prior to consideration of the item.

Councillor P Lloyd – Personal – Minute No. 66 – Local Government (Miscellaneous Provisions) Act 1976 – Application to Licence a Restricted Private Hire Vehicle, Skoda Octavia, Registration Mark YR07 XBL – Mr D Mordecai – Mr Mordecai was represented by Mr Eglitis who is known to me. Councillor P Lloyd left prior to consideration of the item.

Councillor P M Matthews – Personal – Minute No. 66 – Local Government (Miscellaneous Provisions) Act 1976 – Application to Licence a Restricted Private Hire Vehicle, Skoda Octavia, Registration Mark YR07 XBL – Mr D Mordecai – Mr Mordecai was represented by Mr Eglitis who is known to me. Councillor P M Matthews left prior to consideration of the item.

64 **MINUTES:**

RESOLVED that the Minutes of the meeting of the General Licensing Committee held on 22 August, 2014, be approved as a correct record subject to Councillor C L Philpott's apologies being recorded.

COUNCILLOR P DOWNING (VICE CHAIR) PRESIDED FOR THE FOLLOWING ITEM.

65 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE, SKODA OCTAVIA, REGISTRATION MARK, YR07 XBL - MR D MORDECAI.**

Members' inspected the vehicle.

The Divisional Officer, Licensing, Food and Safety, advised that an application for a restricted private hire vehicle had been received from Mr D Mordecai. Mr Mordecai had been unable to attend and was represented by Mr P Eglitis. The vehicle was a black Skoda Octavia, Registration Mark YR07 XBL and was 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.

RESOLVED that the application made by Mr D Mordecai for a restricted private hire vehicle in respect of the black Skoda Octavia, Registration Mark YR07 XBL for the

purposes of airport travel and school transport be **APPROVED** and renewed on merit.

[Note: Councillors H M Morris and K E Marsh did not participate in the consideration or vote in respect of this item].

COUNCILLOR P M MATTHEWS (CHAIR) PRESIDED

66 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE, FORD MONDEO, REGISTRATION MARK CV61 EZE - MR J. L. GREY.**

The Divisional Officer, Licensing, Food and Safety, advised that Mr J L Grey had failed to attend the meeting.

RESOLVED that consideration of the matter be deferred to the next meeting of the General Licensing Committee and should Mr J L Grey fail to attend the matter would be considered in his absence.

67 **EXCLUSION OF THE PUBLIC.**

The Committee was requested to exclude the public from the meeting during the consideration of the items of business identified in the recommendations to the report on the grounds that it involved 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 item 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 of business.

(CLOSED SESSION)

68 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1976 - HACKNEY CARRIAGE AND
PRIVATE HIRE DRIVER'S LICENCE 1462 - JM.**

The Divisional Officer, Licensing, Food and Safety detailed the background details in respect of JM.

JM accompanied by Mr Warren, Solicitor, outlined the background details and circumstances relating to the offences and answered Members' questions.

RESOLVED that:

- a. JM's application to renew his Hackney Carriage and Private Hire Driver Licences be **REFUSED**; and
- b. No further action be taken in respect of JM's Hackney Carriage Vehicle Licence.

Reason for Decision

Members' were not satisfied that JM was a fit and proper person due to the number of the motoring convictions. Also concerns were raised in respect of JM's admission that two of the offences were committed whilst passengers were on board. In addition to this Members took into account previous warnings issued and failure to comply with his conditions and bye-laws of licence.

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

GWH failed to produce his current DLVA driving licence.

Cllr Cole recognised GWH then declared a personal interest, and left the room prior to the item being considered.

The Lawyer advising the Committee advised that any decision would be conditional on the production of GWH's current DVLA licence

The Divisional Officer, Licensing, Food and Safety detailed the background details in respect of GWH.

GWH accompanied by Mr Warren, Solicitor, outlined the background details and circumstances relating to the offence.

RESOLVED that GWH's application for the grant of a Hackney Carriage and Private Hire Driver's Licence be **GRANTED** subject to the production of GWH's current DVLA driving licence.

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

The Divisional Officer, Licensing, Food and Safety detailed the background details in respect of KC.

KC accompanied by Mr Warren, Solicitor, outlined the background details and circumstances relating to the offences and answered Members' questions.

RESOLVED that KC's application to for the grant of a Hackney Carriage and Private Hire Driver's Licence be **REFUSED**.

Reason for Decision

Members' were not satisfied that KC was a fit and proper person due to serious concerns over his suitability as a taxi driver in view of the offences for dishonesty and that he further failed to declare the offences on application. Members' also had regard to the Council's adopted guidelines which states that between three and five years should pass before consideration of an application following a conviction and saw no reason to depart from these guidelines on this occasion.

The meeting ended at 11.20 am

CHAIR