

CITY AND COUNTY OF SWANSEA

MINUTES OF THE GENERAL LICENSING COMMITTEE

HELD AT COMMITTEE ROOM 1, CIVIC CENTRE, SWANSEA ON
FRIDAY, 12 DECEMBER 2014 AT 9.30 AM

PRESENT: P M Matthews (Chair) Presided

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

81 **APOLOGIES FOR ABSENCE.**

No apologies for absence were received.

82 **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. 84 – Local Government (Miscellaneous Provisions) Act 1976 – Application to Licence a Restricted Private Hire Vehicle, Ford Galaxy, Registration Mark MP10 XXX – Mr Palmer and Mr P Eglitis – Mr P Eglitis is known to me. Councillor P Lloyd left prior to consideration of the item.

Councillor P M Matthews – Personal – Minute No. 84 – Local Government (Miscellaneous Provisions) Act 1976 – Application to Licence a Restricted Private Hire Vehicle, Ford Galaxy, Registration Mark MP10 XXX – Mr Palmer and Mr P Eglitis – Mr P Eglitis is known to me. Councillor P M Matthews left prior to consideration of the item.

83 **MINUTES:**

RESOLVED that the Minutes of the meeting of the General Licensing Committee held on 14 November, 2014, be approved as a correct record.

COUNCILLOR P DOWNING CHAIRED FOR THIS MINUTE NO. 84 ONLY

84 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 -
APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE - FORD
GALAXY - REGISTRATION MARK MP10 XXX - MR R M PALMER & MR P
EGLITIS.**

Members' inspected the vehicle.

The Divisional Officer, Licensing, Food and Safety, advised that an application for a restricted private hire vehicle licence for the purposes of airport travel, school transport and executive hire had been received from Mr Palmer and Mr P Eglitis. The vehicle was a black Ford Galaxy, Registration Mark MP10 XXX and was capable of carrying 6 passengers.

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

RESOLVED that the application made by Mr Palmer and Mr P Eglitis for a restricted private hire vehicle in respect of the black Ford Galaxy, Registration Mark MP10 XXX for the purposes of airport travel, school transport and executive hire be **APPROVED** and renewed on merit.

85 **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)

86 **EQUALITY ACT 2010 - PASSENGERS IN WHEELCHAIRS - REQUEST FOR AN EXEMPTION CERTIFICATE - CW.**

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

CW outlined the background details and circumstances of his request and answered Members' questions.

RESOLVED that CW's request for an exemption from carrying wheel chair users in his hackney carriage vehicle be **APPROVED** and such exemption be valid for the period of 12 months, following which time Officers to grant at their discretion.

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

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

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

NG referred to 5 references which were in support of his application.

The Lawyer advising the Committee read the contents of the references.

RESOLVED that NG's application for the grant of a hackney carriage and private hire driver's licence be **APPROVED**.

88 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1976 - HACKNEY CARRIAGE AND
PRIVATE HIRE DRIVER'S LICENCE 1880 - RLL.**

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

Members asked questions of the Legal Officer who responded accordingly.

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

RESOLVED that RLL's application to renew his hackney carriage and private hire driver's licence be **REFUSED**.

Reason for Decision

Application to renew refused on the basis that the Applicant is not a fit and proper person to hold such a licence by reason of his history of offences and breaches of his licensing conditions.

In particular Members took account of the 2 recent convictions, being for speeding whilst in a licenced vehicle and for failing to provide the information of the identity of a driver (which in itself related to an incident of speeding in which the Applicant admits he was the driver). They were also concerned by the fact that the Applicant has received 2 warning letters in 2012 relating to breaches of his licensing conditions.

Given the proximity in time of the warnings and the convictions, together with the further failure to state his convictions on this application to renew, it was felt that a pattern of behaviour was established and that the Applicant had clearly not learnt from his previous warnings.

The members took account of the submissions made by RLL in relation to his MS90 offence, but noted that whilst the Applicant said he did not receive any letter requesting him to provide the details of the driver, he did receive the summons requiring him to attend court.

89 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - DUAL
BADGE DRIVER - BADGE NUMBER 1477 - HACKNEY CARRIAGE VEHICLE
PROPRIETOR - JHG.**

The Divisional Officer, Licensing, Food and Safety advised that JHG's Solicitor had requested that the matter be deferred to allow him to take instruction from his client.

The Divisional Officer, Licensing, Food and Safety read the content of the Solicitors' letter to the Committee.

The Lawyer advising the Committee provided legal advice in respect of the request to defer the matter.

RESOLVED that the matter be deferred to the next meeting.

The meeting ended at 10.58 am

CHAIR