

CITY AND COUNTY OF SWANSEA

MINUTES OF THE GENERAL LICENSING COMMITTEE

HELD AT COMMITTEE ROOM 1, CIVIC CENTRE, SWANSEA ON
FRIDAY, 6 FEBRUARY 2015 AT 10.00 AM

PRESENT: Councillor P M Matthews (Chair) Presided

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

Officers:

R Jenkins	-	Licensing Officer
R Jones	-	Transportation
Y Lewis	-	Senior Licensing Officer
C Swain	-	Group Leader, Transportation
L Thomas	-	Senior Lawyer
S Woon	-	Democratic Services Officer

106 **APOLOGIES FOR ABSENCE.**

No apologies for absence were received.

107 **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. 109 – Local Government (Miscellaneous Provisions) Act 1976 – Application to Licence a Restricted Private Hire Vehicle, Ford Mondeo, Registration Mark WR61 VML – Mr P Eglitis – Mr P Eglitis is known to me. Councillor P Lloyd left prior to consideration of the item.

Councillor P Lloyd – Personal – Minute No. 110 – Local Government (Miscellaneous Provisions) Act 1976 – Application to Licence a Restricted Private Hire Vehicle, Ford Mondeo, Registration Mark EU54 NFG – Mr L Jones – Mr L Jones is known to me. Councillor P Lloyd left prior to consideration of the item.

Councillor P M Matthews – Personal – Minute No. 109 - Local Government (Miscellaneous Provisions) Act 1976 – Application to Licence a Restricted Private Hire Vehicle, Ford Mondeo, Registration Mark WR61 VML – Mr P Eglitis – Mr P Eglitis is known to me. Councillor P Matthews left prior to consideration of the item.

108 **MINUTES:**

RESOLVED that the Minutes of the General Licensing Committee held on 9 January, 2015 be approved as a correct record.

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

109 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 -
APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE - FORD
MONDEO - REGISTRATION MARK WR61 VML - MR P EGLITIS.**

The Senior Licensing Officer 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 P Eglitis. The vehicle was a black Ford Mondeo, Registration Mark WR61 VML and was capable of carrying 4 passengers.

Members' noted the background, relevant considerations (which included the vehicle, purpose, inspections and documents); 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 P Eglitis for a restricted private hire vehicle in respect of the black Ford Mondeo, Registration Mark WR61 VML for the purposes of airport travel, school transport and executive hire be **APPROVED** and renewed on merit.

110 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 -
APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE - FORD
GALAXY, REGISTRATION MARK EU54 NFG - MR L JONES.**

The Senior Licensing Officer, advised that an application for a restricted private hire vehicle licence for the purposes of airport travel and school transport had been received from Mr L Jones. The vehicle was a blue Ford Galaxy, Registration Mark EU54 NFG and was capable of carrying 6 passengers.

Members' noted the background, relevant considerations (which included the vehicle, purpose, inspections and documents); 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.

Members' asked questions of Mr L Jones who responded accordingly.

RESOLVED that the application made by Mr L Jones for a restricted private hire vehicle licence in respect of the blue Ford Galaxy, Registration Mark EU54 NFG for the purposes of airport travel and school transport be **APPROVED** and renewed on merit.

111 **RESULT OF APPEALS. (FOR INFORMATION).**

The Results of Appeals was **NOTED** for information.

112 **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)

113 **APPEAL AGAINST DECISION NOT TO APPROVE AS A PASSENGER ASSISTANT FOR HOME TO SCHOOL TRANSPORT - KJD.**

The Group Leader, Transportation, detailed the background information in respect of KJD.

KJD, accompanied by Mr Clarke, outlined the background details and circumstances of his request and answered Members' questions.

RESOLVED that KJD's appeal be **DISMISSED**.

Reason for Decision

The Committee were not satisfied that they should depart from the guidelines in relation to a 3 year period free from conviction in light of admissions made by KJD in respect of repeated drug use after her first conviction which resulted in her 2nd conviction. In addition the Committee found she had not had at least 3 years free of convictions between her 1st and 2nd conviction or between her 2nd conviction and the hearing of her application. Neither could KJD confirm when her detoxification had ceased in order for the Committee to find if 5 years had passed.

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

The Senior Licensing Officer detailed the background information in respect of IRG.

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

RESOLVED that IRG's application for a Hackney Carriage and Private Hire Driver's Licence be **APPROVED**.

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

The Senior Licensing Officer advised that the matter had been deferred from 9 January, 2015, in order to allow JJBT to supply evidence to support his assertion that the insurance policy had been paid.

JJBT advised that he was unable to obtain evidence and answered Member and Officer questions.

RESOLVED that JJBT's hackney carriage and private hire driver's licence be revoked under Section 61 (1) (b) of the Local Government (Miscellaneous Provisions) Act 1976 'any other reasonable cause' and JJBT's private hire vehicle licence PH4571 be revoked under Section 60 (1) (c) of the Local Government (Miscellaneous Provisions) Act 1976 'any other reasonable cause'.

Reason for Decision

The Committee did not deem JJBT to be a fit and proper person and revoked his hackney carriage and private hire driver's licence because they considered the offence to be serious especially as he had been driving the private hire vehicle with passengers on board at the time the offence was committed. JJBT had not satisfied the Members, even after being given time to do so, that at the time the offence was committed he had reason to believe the vehicle was insured. Furthermore, JJBT did not appear to recognise the need to ensure that his private hire vehicle was properly insured for carrying out his business transporting members of the public. Therefore the Committee were not satisfied going forward JJBT would insure the vehicle. The Committee did not consider it appropriate to depart from the guidelines and the full 3 years free from convictions was required.

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

The Senior Licensing Officer detailed the background information in respect of AJD.

AJD failed to produce his current DVLA driver licence.

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

RESOLVED that AJD's application for a Hackney Carriage and Private Hire Driver's Licence be **REFUSED** under Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.

Reason for Decision

The Committee considered that AJD was not a fit and proper person because although AJD had over 5 years free from convictions, he had admitted buying and taking illegal substances in 2013. The Committee therefore felt they could not attach any real weight to the information provided by his doctor in respect of his fitness to drive.

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

The Senior Licensing Officer detailed the background information in respect of ALH.

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

RESOLVED that ALH's application for a Hackney Carriage and Private Hire Driver's Licence be **APPROVED**.

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

The Senior Licensing Officer detailed the background information in respect of SA.

SA, accompanied by Mr Warren, Solicitor and a representative from Swansea Bay Equality Council, outlined the background details and circumstances relating to the matters contained in the report and answered Members' questions.

RESOLVED that SA's application for a Hackney Carriage and Private Hire Driver's Licence be **APPROVED** and SA to be issued with a warning letter setting out the standards expected of hackney carriage and private hire driver's licensed with the City and County of Swansea in relation to future conduct.

The meeting ended at 12.05 pm

CHAIR