

CITY AND COUNTY OF SWANSEA

MINUTES OF THE GENERAL LICENSING COMMITTEE

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

PRESENT: Councillor P M Matthews (Chair) Presided

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

119 **APOLOGIES FOR ABSENCE.**

An apology for absence was received from Councillor P Downing.

120 **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 V M Evans – Personal – minute no. 129 - Equality Act 2010 – Passengers in Wheelchairs – Request for an Exemption Certificate – SG – SG is known to me.

121 **MINUTES:**

RESOLVED that the Minutes of the General Licensing Committee held on 6 February, 2015, be approved as a correct record.

122 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 -
APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE, FORD
GALAXY, REGISTRATION MARK NT04 ZXR - MR D JONES.**

The Divisional Licensing Officer, Food & Safety, 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 D Jones. The vehicle was a blue Ford Galaxy, vehicle registration mark NT04 ZXR and was capable of carrying 6 passengers.

Member's noted the background, relevant considerations (which included the vehicle, purpose, inspections and documents); relevant issues in relation to Restricted Private Hire Vehicles, Department of 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 and Mr D Jones who responded accordingly.

RESOLVED that the application made by Mr D Jones for a restricted private hire vehicle in respect of the blue Ford Galaxy vehicle registration mark NT04 ZXR be **APPROVED** and renewed on merit.

123 **TOWN POLICE CLAUSES ACT 1847 - APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE VEHICLE LICENCE - LONDON TAXI TX11, REGISTRATION MARK SN53 KFW - MR Q S KANWAR.**

Members' viewed the vehicle.

The Divisional Licensing Officer, Food & Safety, advised that an application for a hackney carriage vehicle licence had been received from Mr Q S Kanwar. The vehicle was a black London Taxi, registration mark SN53 KFW and was capable of carrying 5 passengers.

Members' noted the background, Department of Transport Taxi and Private Hire Licensing: Best Practice Guidance: March 2010; Hackney Carriage Vehicle Policy and the previous proposal to allow the licensing of second hand Hackney Carriage vehicles.

Members asked questions of the Officer and Mr Q S Kanwar who responded accordingly.

RESOLVED that the application made by Mr Q S Kanwar for a hackney carriage vehicle licence in respect of the black London Taxi, registration mark SN53 KFW be **REFUSED** under Section 37 of the Town Police Clauses Act 1847.

Reason for Decision

The Members were concerned about the appearance, condition and likely further deterioration of the vehicle and were of the view that as a result it was unsuitable for licensing as a hackney carriage vehicle in Swansea. Members were mindful of the fact that one of the reasons for the introduction of the Authority's Hackney Carriage Vehicle Policy was to ensure that vehicles were not already 'tired' before they were licensed, so that they were more likely to be able to withstand the rigors demanded of a hackney carriage. The Members were of the opinion that this vehicle was a 'tired' vehicle and one which did not meet the required standard for licensing for the following reasons

- There was a ripped seat;
- There was raised carpet in the rear;
- There was an unpleasant internal odour;
- Masking tape on the external of the vehicle had simply been painted over;
- The vehicle appeared to be deteriorating rapidly and given its present condition the vehicle was likely to continue to deteriorate despite the assurances of the Applicant.

The Members also had concerns about the low mileage recorded despite the age of the vehicle and its use as a hackney carriage and whether this mileage was genuine. The Applicant was not able to provide a satisfactory explanation for the same, other

than to advise that he had himself queried the mileage with the seller who had assured him that it was as per the MOT.

124 **CONSIDERATION OF THE REMOVAL OF PRIVATE HIRE VEHICLE CONDITION 5 AND REMOVAL AND AMENDMENT OF RESTRICTED PRIVATE HIRE VEHICLE CONDITIONS 3 & 5.**

The Divisional Officer Licensing, Food & Safety presented a report regarding consideration of the removal of private hire vehicle condition 5 and removal and amendment of restricted private hire vehicle conditions 3 & 5.

Members noted the background and proposal.

RESOLVED that:

- a. Private hire and Restricted Private Hire vehicle condition 5 be replaced with "Vehicles will not be accepted for licensing on the first occasion after 5 years from the date of first registration. Vehicles will be relicensed on merit"; and
- b. Restricted Private hire vehicle condition 3 be replaced with "The Restricted Private Hire Vehicle Licence can only be used for restricted Private Hire Journeys pre-booked with a licensed operator and identified in the licence. These are: School Transport contracts; Airport Travel and Executive Hire.

125 **AMENDMENT OF HACKNEY CARRIAGE VEHICLE, PRIVATE HIRE VEHICLE, PRIVATE HIRE VEHICLE AND RESTRICTED PRIVATE HIRE VEHICLE CONDITIONS.**

The Divisional Officer Licensing, Food & Safety presented a report regarding an amendment of Hackney Carriage Vehicle, Private Hire Vehicle and Restricted Private Hire Vehicle Conditions.

Members noted the proposal.

RESOLVED the requirement to display a valid road fund licence at the time of inspection from hackney carriage vehicle, private hire vehicle and restricted private hire vehicle conditions be removed.

126 **PROCEDURE FOR CONSIDERATION OF "PART 2" GENERAL LICENSING COMMITTEE REPORTS.**

The Divisional Officer Licensing, Food & Safety, presented the Procedure for Consideration of "part 2" General Licensing Committee reports.

Members noted the background, purpose and new procedure.

RESOLVED that the new procedure be adopted.

127 **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)

128 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 -
SCHEDULE 4, APPLICATION FOR THE GRANT OF STREET TRADING
CONSENT - MA.**

The Divisional Officer, Trading Standards, detailed the background information in respect of MA.

Members asked questions of the Officer who responded accordingly.

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

RESOLVED that MA's request for Street Trading Consent be **REFUSED** under Schedule 4 paragraph 3(6)(d) Local Government (Miscellaneous Provisions) Act 1982.

Reason for Decision

Having taken account of the evidence presented in the report, by officers and from MA himself, the Members were not satisfied, on the basis of the evidence of MA's past conduct, which they accepted, that if he was granted a street trading consent he would comply with the terms and conditions of the same, particularly in relation to the locations of his trading causing obstructions and nuisance.

Members took on board the fact that MA did not accept all of the allegations in the report. However, he did accept a number of allegations including those in paragraphs 5.4.4, 5.4.6 and 5.4.9 which related to trading in a place which caused an obstruction to the foreshore footpath and trading on double yellow lines and hatched areas on the highway close to an area in which children play. Members were particularly concerned about the safety implications of this conduct and that MA did not appear to appreciate the same in his responses to Member questions.

MA also accepted the allegation in paragraph 5.4.3 of the report of trading from a council owned car park, although he alleged that he did not appreciate that he needed permission of the landowner on that particular date due to the pay machines being suspended. Members did not accept that given his significant experience as an ice cream trader that he was not fully aware of the requirement to obtain permission. The Members accepted the evidence of Trading Standards officers that MA had been informed on numerous occasions of the requirement to have permission from the landowner and to comply with the requirements of the Highway Code.

Members were not satisfied that if granted a consent MA would change his ways in the future, but would continue to trade in breach of the terms and conditions as he has done in relation to his wife's consents, despite the assurances given by him.

129 **EQUALITY ACT 2010 - PASSENGERS IN WHEELCHAIRS - REQUEST FOR AN EXEMPTION CERTIFICATE - SG.**

The Divisional Officer Licensing, Food & Safety, detailed the background information in respect of SG.

SG detailed the background details and circumstances of his request and answered Members' questions.

RESOLVED that SG'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 6 months.

130 **EQUALITY ACT 2010 - PASSENGERS IN WHEELCHAIRS - REQUEST FOR AN EXEMPTION CERTIFICATE - MDHC.**

The Divisional Officer Licensing, Food & Safety, detailed the background information in respect of MDHC.

MDHC detailed the background information and circumstances of his request and answered Members' questions.

RESOLVED that MDHC'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 5 years.

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

The Divisional Officer Licensing, Food & Safety, detailed the background information in respect of SCB.

Members asked questions of the Officer who responded accordingly.

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

RESOLVED that SCB's request for a hackney carriage and private hire driver's licence be **APPROVED** until 25/11/2015 following which Officers to renew on merit.

The meeting ended at 12.35 pm

CHAIR