

CITY AND COUNTY OF SWANSEA

MINUTES OF THE GENERAL LICENSING COMMITTEE

HELD AT COMMITTEE ROOM 5, GUILDHALL, SWANSEA ON
THURSDAY, 14 MAY 2015 AT 10.00 AM

PRESENT: Councillor 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	A M Cook
C E Lloyd	T H Rees	

Officers:-

R Jenkins	-	Licensing Officer
Y Lewis	-	Senior Licensing Officer
L Thomas	-	Senior Lawyer
S Woon	-	Democratic Services Officer

138 **APOLOGIES FOR ABSENCE.**

No apologies for absence were received.

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

In accordance with the Code of Conduct adopted by the City & County of Swansea, no interests were declared.

140 **MINUTES:**

RESOLVED that the minutes of the:

- General Licensing Sub Committee held on 20 March, 2015;
- General Licensing Sub Committee held on 26 March, 2015; and
- General Licensing Committee held on 10 April, 2015.

Be accepted as correct records.

141 **TOWN POLICE CLAUSES ACT 1847 - APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE VEHICLE LICENCE - VOLKSWAGEN TRANSPORTER, REGISTRATION MARK CU05 FTF - MR T ALI.**

Members' viewed the vehicle.

The Senior Licensing Officer advised that an application for a hackney carriage vehicle licence had been received from Mr T Ali. The vehicle was a black

Volkswagon Transporter Registration Mark CU05 FTF and was capable of carrying 8 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 T Ali who responded accordingly.

RESOLVED that the application made by Mr T Ali for a hackney carriage vehicle licence in respect of the black Volkswagon Transporter, registration mark CU05 FTF be **REFUSED** under Section 37 of the Town Police Clauses Act 1847.

Reason for Decision

Members' were not satisfied that Mr T Ali could operate the vehicle to adequately secure the ramp for wheelchair passengers as he had failed to carry the bolts to fix the step plate onto the vehicle safely. This was the second occasion on which Mr Ali had presented the vehicle for official inspection with the bolts missing. Members also noted that this action could not permit Mr Ali or any other driver to drive the vehicle in accordance with Section 165 4 (d) and 5(b) of the Equality Act 2010.

142 **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)

143 **EQUALITY ACT 2010 - PASSENGERS IN WHEELCHAIRS - REQUEST FOR AN EXEMPTION CERTIFICATE - TEB.**

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

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

RESOLVED that TEB's request for an exemption from carrying wheel chair users in his hackney carriage vehicle be **APPROVED** and such exemption be valid for the duration of his Licence.

144 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1976 - HACKNEY CARRIAGE AND
PRIVATE HIRE DRIVER'S LICENCE 1485 - JQA.**

The Senior Licensing Officer advised that JQA had failed to attend the meeting and had not provided a reason or requested a deferment of the matter.

The Senior Lawyer advised that the Complainant had given apologies due to a prior commitment.

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

Members' asked questions of the Officers who responded accordingly.

RESOLVED that:

- a. that the matter be dealt with in JQA's absence; and
- b. JQA's licence be revoked under Section 61 2 (b) of the Local Government (Miscellaneous Provisions) Act 1976 with immediate effect in the interest of public safety.

Reason for Decision

Members' were not satisfied that JQA was a fit and proper person due to:

- i. On the balance of probabilities, that JQA was speeding due to inference to the two previous driving convictions mentioned in the report and the written evidence received from the complainant;
- ii. JQA failed to provide reasonable assistance and failed to demonstrate the proper customer care as expected of a licensed driver by Members ; Therefore, Members attached more weight to the written evidence of the complainant rather than JQA in his absence as Members were unable to ask any further questions of JQA other than that was contained in the report;
- iii. JQA Failed to behave in a civil and orderly manner towards the complainant (in accordance with Condition 16 of the Private Hire Driver Conditions attached to the licence;
- iv. JQA had admitted to being abrupt in interview;
- v. Members also attached weight to the fact that despite previous disciplinary action, JQA had failed to alter poor behaviour in relation to the lack of customer care in 2012; and also noted the lack of attendance at the General Licensing Committee today, despite having prior written notification of the

date and time of the meeting, advising that the report may be heard in his absence and that no contact or any reasoning had been received from JQA requesting a deferment.

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

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

The Senior Lawyer and Members asked questions of RP who responded accordingly.

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

RESOLVED that RP's request for the grant of 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

Members' noted that RP had pleaded guilty to the offences, these convictions still stood and that the amount admitted still amounted to approximately £10,000. Members therefore referred to the Council's adopted guidelines on the relevance of convictions and given the serious nature of the convictions applied the higher guideline which stated a period of five years free of any convictions should be required before entertaining an application.

The meeting ended at 11.39 am

CHAIR