

## CITY AND COUNTY OF SWANSEA

### NOTICE OF MEETING

You are invited to attend a Meeting of the

### GENERAL LICENSING COMMITTEE


**At:** Committee Room 1, Civic Centre, Swansea.

**On:** Friday, 25 April 2014

**Time:** 10.00 am

### AGENDA

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<b>3 Minutes.</b> To approve and sign as a correct record the Minutes of the General Licensing Committee meeting held on 28 March 2014.	3 - 8
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**Patrick Arran**  
**Head of Legal, Democratic Services & Procurement**  
**Wednesday, 16 April 2014**

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**Contact: Democratic Services - Tel: (01792) 637292**

## GENERAL LICENSING COMMITTEE (12)

### Councillors

#### Labour Councillors: 8

David W Cole	Paul Lloyd
Phil Downing ( <b>Vice Chair</b> )	Penny M Matthews ( <b>Chair</b> )
Andrea S Lewis	Hazel M Morris
Clive E Lloyd	Byron G Owen

#### Liberal Democrat Councillors: 2

Richard D Lewis	T Huw Rees
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#### Independent Councillor: 1

Keith E Marsh	
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#### Conservative Councillor: 1

Anthony C S Colburn	
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#### Others:

Lynda Anthony	Divisional Licensing Officer 4 Copies
Paula Livingstone	Team Leader, Housing and Public Health
Lyndsay Thomas	Legal
Catherine Swain	Group Leader, Transportation
Police	
Public Relations Office	
Fire Service	
Democratic Services	
Archives	

**Total Copies needed – 28**

# Agenda Item 2

## Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

### Councillors

**Councillors Interests are made** in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

**NOTE:** You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
  - i) Disclose orally both the interest concerned and the existence of the dispensation; and
  - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:

- a) Details of the prejudicial interest;
- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

## **Officers**

### **Financial Interests**

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A "financial interest" is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.

# Agenda Item 3

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE GENERAL LICENSING COMMITTEE

#### HELD AT COMMITTEE ROOM 1, CIVIC CENTRE, SWANSEA ON FRIDAY, 28 MARCH 2014 AT 10.00 AM

**PRESENT:** Councillor P M Matthews (Chair) presided.

<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
A C S Colburn	C E Lloyd	H M Morris
D W Cole	P Lloyd	B G Owen
P Downing	K E Marsh	T H Rees
R D Lewis		

**Officers:**

L Anthony	-	Divisional Licensing Officer
K Clague	-	Lawyer
R Jenkins	-	Licensing Officer
S Woon	-	Democratic Services Co-ordinator

119 **APOLOGIES FOR ABSENCE**

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

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 P Lloyd – minute no. 122 – Applicant known to me. Councillor P Lloyd left prior to consideration of the application.

121 **MINUTES**

**RESOLVED** that the minutes of the Licensing Committee held on 28 February, 2014 and Licensing Sub Committee held on 7 February, 2014 be approved as correct records.

122 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 -  
APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE, FORD S -  
MAX, REGISTRATON MARK MD08 BCZ - MR LEE JONES**

Members' inspected the vehicle.

The Divisional Licensing Officer advised that an application to licence a restricted private hire vehicle had been received from Mr Lee Jones. The vehicle was a Ford S Max, registration mark MD08 BCZ and is capable of carrying 6 passengers.

Members' noted the background, relevant issues in relation to restricted private hire vehicles, the Department of Transport – Taxi and Private Hire Licensing, best practice guidance March 2010 and legislation relating to the licensing of restricted private hire vehicles.

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

**RESOLVED** that the application made by Mr Lee Jones for a restricted private hire vehicle licence in respect of the Ford S – Max, registration Mark MD08 BCZ for the purpose of airport travel, executive hire and school contracts only be **APPROVED** and renewed on merit.

123 **TOWN POLICE CLAUSES ACT 1847 - APPLICATION TO SUBSTITUTE A HACKNEY CARRIAGE VEHICLE - SKODA OCTAVIA, REGISTRATION MARK CP10 DTO - MR JEFFREY HODGE**

Members' inspected the vehicle.

The Divisional Licensing Officer advised that an application to substitute an existing hackney carriage licence had been received from Mr Jeffrey Hodge. The vehicle was a Skoda Octavia, registration mark CP10 DTO and is capable of carrying 4 passengers.

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

Members' asked questions of Mr Jeffrey Hodge who responded accordingly.

**RESOLVED** that the application made by Mr Hodge to substitute the Skoda Octavia, registration mark CP10 DTO onto the hackney carriage vehicle licence HC 4048 be **APPROVED**.

124 **TOWN POLICE CLAUSES ACT 1847 - APPLICATION TO SUBSTITUTE A HACKNEY CARRIAGE VEHICLE - VOLKSWAGEN PASSAT, REGISTRATION MARK WN59 OTU - MR PHILLIP DAVIES**

Members' inspected the vehicle.

The Divisional Licensing Officer advised that an application to substitute an existing hackney carriage licence had been received from Mr Phillip Davies. The vehicle was a Volkswagen Passat, registration mark WN59 OTU and is capable of carrying 4 passengers.

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

Members' asked questions of Mr Phillip Davies who responded accordingly.

**RESOLVED** that the application made by Mr Phillip Davies to substitute the Volkswagen Passat, registration mark WN59 OTU onto the hackney carriage vehicle licence HC 4014 be **APPROVED**.

## 125 REVIEW OF RESTRICTED PRIVATE HIRE VEHICLES

The Divisional Licensing Officer advised that restricted private hire licences in respect of operators, vehicles and drivers had been introduced by the Licensing Committee on 17 March, 2008 in response to a change in legislation that removed Section 75 of the Local Government (Miscellaneous Provisions) Act 1976.

Section 75 of the Local Government (Miscellaneous Provisions) Act 1976 previously permitted the use of a vehicle, under a contract for hire of more than seven days, to operate legally without the need for the operator, the vehicle or the driver being licensed.

In order for existing businesses to continue to operate, restricted licences were issued for a specified use. For example, those wishing only to use their specially adapted vehicle for an existing school contract could continue to do so regardless of its age or colour. Similarly, those who only operate airport travel services or executive hire have been able to do so under a specific restricted licence.

The purpose of the introduction of restricted licences following the removal of the contract exemption was to ensure that the changes would not interfere with current operations, affect the livelihood of or create undue expense for those involved.

On 19 June, 2009, the Licensing Committee agreed a change to the conditions in relation to the age of vehicles to be accepted for licensing and also incorporated a date by which existing restricted vehicles needed to comply with the age limit. The date is 1 April, 2014.

The condition states "5. Vehicles purchased from new will be re-licensed on merit but if a vehicle when first licensed is of any age up to two years old from date of first registration, it will be re-licensed on merit until it is six years old".

In respect of vehicles that are currently licensed and were more than two years old when first licensed they will need to comply with the above by 1 April, 2014.

Currently 49 vehicles are licensed as restricted private hire vehicles with the City and County of Swansea of these 43 are affected by condition number 5 as they were more than two years old when first licensed.

If this condition is to be complied with by 1 April, 2014, each of the 43 vehicles will need to be reported to the Licensing Committee for decision on the renewal of their licences.

Licensing Officers are currently carrying out a review of all taxi and private hire vehicles, operator and driver licensing criteria, procedures and conditions. A report outlining the outcome of the review and its proposals is expected to be reported for



consideration by General Licensing Committee in the next few weeks, to enable the consultation to be undertaken with the trade and interested parties. The age limit of all vehicles, including restricted private hire vehicles forms part of this review.

Members' asked questions of the Officer who responded accordingly.

**RESOLVED** that:

- a. existing proprietors of restricted private hire vehicles be exempted from complying with condition number 5 of the restricted private hire vehicle conditions, detailed in paragraph 6 of this report; and
- b. Officers renew the vehicle licences, subject to the vehicles passing the Council's test and meeting all other application criteria, until the review of the taxi and private hire vehicle, operator and driver licensing criteria, procedures and conditions has been completed and any changes implemented.

126 **RESULT OF APPEALS**

**RESOLVED** that the results of Appeals be **NOTED**.

127 **EXCLUSION OF THE PUBLIC**

The Committee were requested to exclude the public from the meeting during consideration of the items of business identified in the recommendations to the report on the grounds that they involve 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 items 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 on the agenda.

128 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE 2088 - WAG**

The Divisional Licensing Officer detailed the background details in respect of WAG.

WAG explained the background details and circumstances relating to the offences and answered Members' questions.

The Lawyer advising the Committee read the contents of references supplied by WAG.

**RESOLVED** that:

- a. Renewal of WAG's licences to drive hackney carriage and private hire vehicles be **REFUSED** for 6 months; and
- b. WAG's private hire vehicle licence be **SUSPENDED** for 6 months.

**Reason for Decision**

WAG was not deemed to be a fit and proper person to hold such a driver's licence due to the seriousness of his motoring convictions, particularly the offence of no insurance. The committee took account of the circumstances in which the offences were carried out and the public safety implications of driving without a valid policy of insurance. With regard to the suspension of the private hire vehicle licence the committee considered the same to be reasonable in light of the use of the vehicle in the commission of the offences.

129 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT  
(MISCELLANEOUS PROVISIONS) ACT 1976 - HACKNEY CARRIAGE AND  
PRIVATE HIRE DRIVER'S LICENCE 0005 - CH**

CH failed to supply his licence for inspection.

The Divisional Licensing Officer outlined the background details in respect of CH.

CH explained the background details and circumstances relating to the offence and answered Members' questions.

**RESOLVED** that CH's hackney carriage and private hire driver's licences be **REVOKED**.

**Reason for Decision**

CH was deemed not to be a fit and proper person by reason of his conviction on 30 January 2014 of a major traffic offence. The committee took into account the seriousness of the offence of no insurance, and the applicant's recent driving history for other motoring related offences. The committee also placed weight on the fact that on 27 June 2013 the applicant appeared before the Swansea Magistrates and was warned as to the potential implications of any further motoring offences. The committee listened to the explanation provided by the applicant as to the circumstances of the recent offence but did not feel that same offered any mitigation against revocation, particularly in light of the applicant's failure to make enquiries of the proprietor of the vehicle as to whether an appropriate policy of insurance was in place.

130 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT  
(MISCELLANEOUS PROVISIONS) ACT 1976 - HACKNEY CARRIAGE AND  
PRIVATE DRIVER'S LICENCE 1148 - CT**

CT failed to attend the meeting.

**RESOLVED** that the matter be dealt with in the absence of CT as CT had not provided an explanation for non-attendance.

The Divisional Licensing Officer outlined the background details in respect of CT.

Members' asked questions of the Officer who responded accordingly.

**RESOLVED** that CT be issued with a strongly worded warning letter regarding future conduct.

### **Reason for Decision**

The committee noted serious nature of the Animal Welfare offences, the date of the convictions, and the applicant's complete failure to notify the Authority of the same, either on conviction or on the face of his renewal application. This was despite the clear requirements of condition 36 and bye-law 21 attached to his licence.

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

The Divisional Licensing Officer detailed the background details in respect of BWD.

BWD outlined the background details and circumstances relating to the offence and answered Members' questions.

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

### **Reason for Decision**

BWD was not deemed to be a fit and proper person due to by reason of the nature and number of his convictions for speeding resulting in the recent disqualification. The committee took account of the fact that the offences which resulted in the disqualification were all committed within close proximity to each other, that all were committed whilst driving a taxi, and that the applicant was unable to offer any mitigating circumstances in relation to their commission. The committee also had regard to the fact that the applicant had held a licence to drive both hackney carriage and private hire vehicles during the period in which he was convicted of the offences resulting in his disqualification, but had failed to notify the Licensing Division of these convictions in breach of condition 36 and bye-law 21.

The meeting ended at 11.50 am

**CHAIR**

# Agenda Item 4

## Report of the Divisional Officer Licensing, Food & Safety

### General Licensing Committee - 25 April 2014

#### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 APPLICATION TO SUBSTITUTE A PRIVATE HIRE VEHICLE, FORD MONDEO, REGISTRATION MARK BF08 XMR MR DAVID HANCOCK

##### **1.0 INTRODUCTION**

- 1.1 An application to substitute a vehicle on to an existing private hire vehicle licence has been received from Mr David Hancock. The vehicle is a white Ford Mondeo, Registration Mark BF08 XMR and is capable of carrying 4 passengers.

##### **2.0 BACKGROUND**

- 2.1 Members will recall that this matter was reported to the Licensing Committee held on the 6<sup>th</sup> December 2013 and was deferred at the request of Mr Hancock.

##### **3.0 RELEVANT ISSUES**

- 3.1 On 30<sup>th</sup> October 2013, Mr Hancock submitted an application to substitute a white Ford Mondeo, Registration mark BF08 XMR on to private hire vehicle licence 4280. The licence is in force until 31<sup>st</sup> May 2014.
- 3.2 Mr Hancock also submitted a letter stating that the existing private hire vehicle, registration mark Y493 DCY was off the road due to serious mechanical breakdown and due to the vehicle's age, works required and current mileage he believed the vehicle to be un-economical to repair. A copy of the letter which accompanied the application is attached as Appendix A.
- 3.3 The recorded mileage of Mr Hancock's existing vehicle, Registration Mark Y493 DCY, at the time of its last inspection on 15<sup>th</sup> May 2013 was 412,381 miles. This vehicle is now 12 years and 10 months old.
- 3.4 The vehicle Mr Hancock now wishes to licence is 6 years and 1 month old. The vehicle passed the Council's inspection on the 21<sup>st</sup> March 2014 and the mileage recorded at this time was 7,828 miles.
- 3.5 Council's current age policy states:

*“vehicles will not be accepted for licensing on the first occasion after 2 years from the date of first registration. Vehicles purchased from new will be re-licensed on merit.*

*If a vehicle when first licensed is any age up to 2 years from date of first registration it will be re-licensed on merit until it is 6 years old”.*

- 3.6 This matter is being reported to Members for consideration as the vehicle does not comply with the Council's current age policy.
- 3.7 In addition to this matter the vehicle Mr Hancock wishes to licence has previously been involved in an accident which resulted in the vehicle being categorised as, 'Category D vehicle damage'. Mr Hancock has confirmed to a Licensing Officer that the vehicle sustained side impact damage.
- 3.8 An Experian vehicle data check made against the vehicle has confirmed that the vehicle was assessed on the 11th November 2010 and was categorised as Category D vehicle damage or 'write off' by the Insurers.
- 3.9 A 'Category D' damaged vehicle or Category D write off is where an insurance company deem that the vehicle is repairable, but:
- the repair costs can be significant compared to the vehicle value; or
  - the parts required may not be available in an acceptable timescale; or
  - the insurer chooses not to repair for economic reasons which may include excessive storage costs while waiting long lead times for parts.
- 3.10 The vehicle passed an MOT inspection on the 21<sup>st</sup> March 2014.
- 3.11 Members are therefore being asked to consider whether the Ford Mondeo vehicle, Registration Number BF08 XMR is suitable for licensing as a private hire vehicle in Swansea.
- 3.12 In order to assist Members in reaching their decision the vehicle will be available for inspection at the Civic Centre on Friday 25<sup>th</sup> April 2014.
- 4.0. THE DEPARTMENT FOR TRANSPORT TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE: MARCH 2010**
- 4.1 The Department for Transport published its Best Practice Guidance in March 2010 to assist local authorities in England and Wales that have responsibility for the regulation of the taxi and private hire vehicle (PHV) trades. This states:

*It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license*

*vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.*

## **5.0 LEGISLATION RELATING TO THE LICENSING OF PRIVATE HIRE VEHICLES**

- 5.1 The powers relating to the licensing of private hire vehicles are contained in Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 which states:

### **“Licensing of private hire vehicles**

Provided that a district council shall not grant such a licence unless they are satisfied –

- (a) that the vehicle is –
    - (i) suitable in type, size and design for use as a private hire vehicle;
    - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
    - (iii) in a suitable mechanical condition;
    - (iv) safe; and
    - (v) comfortable
  - (b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of the Road Traffic (Consequential Provisions) Act 1988, s 4, Sch 3, para 16 and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.
- (2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this sub-section, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates’.

- (3) In every vehicle licence granted under this section there shall be specified—
- (a) the name and address of—
    - (i) the applicant; and
    - (ii) every other person who is a proprietor of the private hire vehicle in respect of which the licence is granted, or who is concerned, either solely or in partnership with any other person, in the keeping, employing or letting on hire of the private hire vehicle;
  - (b) the number of the licence which shall correspond with the number to be painted or marked on the plate or disc to be exhibited on the private hire vehicle in accordance with subsection (6) of this section;
  - (c) the conditions attached to the grant of the licence; and
  - (d) Such other particulars as the district council consider reasonably necessary.
- (4) Every licence granted under this section shall -
- (a) be signed by an authorised officer of the council which granted it;
  - (b) relate to not more than one private hire vehicle; and
  - (c) remain in force for such period not being longer than one year as the district council may specify in the licence.
- (5) Where a district council grant under this section a vehicle licence in respect of a private hire vehicle they shall issue a plate or disc identifying that vehicle as a private hire vehicle in respect of which a vehicle licence has been granted.
- (6) (a) Subject to the provisions of this Part of this Act, no person shall use or permit to be used in a controlled district as a private hire vehicle in respect of which a licence has been granted under this section unless the plate or disc issued in accordance with subsection (5) of this section is exhibited on the vehicle in such manner as the district council shall prescribe by condition attached to the grant of the licence.

- (b) If any person without reasonable excuse contravenes the provisions of this subsection he shall be guilty of an offence.
- (7) Any person aggrieved by the refusal of a district council to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a magistrates' court.
- 5.2 It is evident from section 48 above that the Council are not under a duty to issue a licence once an application has been made, they have discretion. Section 48(1)(a) and (b) also includes specific situations where a council must not grant a licence.
- 5.3 The City and County of Swansea private hire vehicle conditions state:

*Condition 5 "vehicles will not be accepted for licensing on the first occasion after 2 years from the date of first registration. Vehicles purchased from new will be re-licensed on merit. If a vehicle when first licensed is any age up to 2 years from date of first registration it will be re-licensed on merit until it is 6 years old".*

## **6.0 RECOMMENDATION**

It is recommended that after careful consideration of the detail of this report and hearing from Mr Hancock, Members determine whether to:

- a. grant the application made by Mr Hancock to substitute the Ford Mondeo vehicle registration mark BF08 XMR onto the private hire vehicle licence 4280 and that this licence is renewed on merit . OR
- b. refuse the application made by Mr Hancock to substitute the Ford Mondeo vehicle registration mark BF08 XMR onto the private hire vehicle licence giving reasons why it is considered unsuitable under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

### **The Licensing Committee's instructions are requested.**

**Background Papers:** Licence Application  
**Contact Officer:** Richard Jenkins  
**Extension:** 5600  
**Legal Contact:** Lyndsay Thomas



Appendix A.

MR. PAUL HANCOCK.

[REDACTED]

[REDACTED]

[REDACTED]

RE: PH 4250 -  
Y493 DOY.

Dear Sir/Madame,

With reference to the above vehicle I wish to inform you that the vehicle is currently off the road, due to serious mechanical breakdown.

Due to the vehicle's age, ~~and~~ works required and current mileage, I now believe for vehicle to be an economical to repair, + tired looking.

I have therefore sourced another vehicle, which + would be grateful if you could report to your Licensing Committee in order for members to decide if I can continue to licence.

Should you require any further information, please contact me accordingly.

Regards.



30.10.2013.

# Agenda Item 5

## Report of the Divisional Officer Licensing, Food & Safety

### General Licensing Committee - 25 April 2014

#### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 APPLICATION TO LICENCE A PRIVATE HIRE VEHICLE, FORD MONDEO, REGISTRATION MARK YS10 BXR MR DAVID HANCOCK

##### **1.0 INTRODUCTION**

- 1.1 An application to licence a private hire vehicle has been received from Mr David Hancock. The vehicle is a white Ford Mondeo, Registration Mark YS10 BXR and is capable of carrying 4 passengers.

##### **2.0 BACKGROUND**

- 2.1 On 31st March 2014, Mr Hancock submitted an application to licence a white Ford Mondeo, registration Mark YS10 BXR.
- 2.2 Mr Hancock was at the time the holder of private hire vehicle licence PH 4216 which expired on 31st March 2014, that same day. This vehicle licence was issued in respect of a white Ford Focus, registration mark CV02 WUO. The vehicle was 14 years old and the mileage on the last Council vehicle test showed 161,281 miles.
- 2.3 This vehicle was an older vehicle than the vehicle presented today and Mr Hancock has provided a letter to the Licensing Committee confirming that this vehicle was 'off the road with serious mechanical issues'. A copy of Mr Hancock's letter is attached as Appendix A.
- 2.4 Mr Hancock had previously intended to substitute the vehicle he wishes to licence today onto private hire vehicle licence PH4216 but was unable to present the vehicle in time to be considered by the Licensing Committee before the licence had expired. The vehicle is now before you for a grant of a new vehicle licence.

##### **3.0 RELEVANT ISSUES**

- 3.1 The vehicle Mr Hancock now wishes to licence, registration mark YS10 BXR was first registered on 11th June 2010 and is therefore 3 years and 10 months old. The vehicle passed the Council's inspection on the 19th March 2014 and the mileage recorded at this time was 71,787 miles.

3.2 Council's current age policy states:

*“vehicles will not be accepted for licensing on the first occasion after 2 years from the date of first registration. Vehicles purchased from new will be re-licensed on merit.*

*If a vehicle when first licensed is any age up to 2 years from date of first registration it will be re-licensed on merit until it is 6 years old”.*

- 3.3 The vehicle does not meet the Council's current age policy and requires consideration by the General Licensing Committee on the merit of this application.
- 3.4 In addition to this matter the vehicle Mr Hancock wishes to licence has previously been involved in an accident which resulted in the vehicle being categorised as, 'Category D vehicle damage'. Mr Hancock has confirmed to a Licensing Officer that the vehicle sustained accident damage resulting in mechanical issues and an engine control unit problem.
- 3.5 An Experian vehicle data check made against this vehicle has confirmed that the vehicle was assessed on the 18th August 2011 and was categorised as Category D vehicle damage or 'write off' by the Insurers.
- 3.6 A 'Category D' damaged vehicle or as it is more commonly known as, a Category D write off is where an insurance company deem that the vehicle is repairable, but:
- the repair costs can be significant compared to the vehicle value; or
  - the parts required may not be available in an acceptable timescale; or
  - the insurer chooses not to repair for economic reasons which may include excessive storage costs while waiting long lead times for parts.
- 3.7 This vehicle passed an MOT inspection on the 25th November 2013.
- 3.8 Members are therefore being asked to consider whether the Ford Mondeo vehicle, Registration Number YS10 BXR is suitable for licensing as a private hire vehicle in Swansea.

3.9 In order to assist Members in reaching their decision the vehicle will be available for inspection at the Civic Centre on Friday 25th April 2014.

4.0 **THE DEPARTMENT FOR TRANSPORT TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE: MARCH 2010**

4.1 The Department for Transport published its Best Practice Guidance in March 2010 to assist local authorities in England and Wales that have responsibility for the regulation of the taxi and private hire vehicle (PHV) trades. This states:

*“It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.”*

5.0 **LEGISLATION RELATING TO THE LICENSING OF PRIVATE HIRE VEHICLES**

5.1 The powers relating to the licensing of private hire vehicles are contained in Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 which states:

“Licensing of private hire vehicles...

Provided that a district council shall not grant such a licence unless they are satisfied –

- (a) that the vehicle is –
  - (i) suitable in type, size and design for use as a private hire vehicle;
  - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
  - (iii) in a suitable mechanical condition;
  - (iv) safe; and
  - (v) comfortable;
  
- (b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of the Road Traffic (Consequential Provisions) Act 1988, s 4, Sch 3, para 16 and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.

- (2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this sub-section, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.
- (3) In every vehicle licence granted under this section there shall be specified—
  - (a) the name and address of—
    - (i) the applicant; and
    - (ii) every other person who is a proprietor of the private hire vehicle in respect of which the licence is granted, or who is concerned, either solely or in partnership with any other person, in the keeping, employing or letting on hire of the private hire vehicle;
  - (b) the number of the licence which shall correspond with the number to be painted or marked on the plate or disc to be exhibited on the private hire vehicle in accordance with subsection (6) of this section;
  - (c) the conditions attached to the grant of the licence; and
  - (d) Such other particulars as the district council consider reasonably necessary.
- (4) Every licence granted under this section shall -
  - (a) be signed by an authorised officer of the council which granted it;
  - (b) relate to not more than one private hire vehicle; and
  - (c) remain in force for such period not being longer than one year as the district council may specify in the licence.
- (5) Where a district council grant under this section a vehicle licence in respect of a private hire vehicle they shall issue a plate or disc identifying that vehicle as a private hire vehicle in respect of which a vehicle licence has been granted.
- (6) (a) Subject to the provisions of this Part of this Act, no person shall use or permit to be used in a controlled district as a private hire vehicle in respect of which a licence has been granted under this section unless the plate or disc issued in accordance with subsection (5) of this section is exhibited on the vehicle in

such manner as the district council shall prescribe by condition attached to the grant of the licence.

(b) If any person without reasonable excuse contravenes the provisions of this subsection he shall be guilty of an offence.

(7) Any person aggrieved by the refusal of a district council to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a magistrates' court."

5.2 It is evident from section 48 above that the Council are not under a duty to issue a licence once an application has been made, they have discretion. Section 48(1)(a) and (b) also includes specific situations where a council must not grant a licence.

5.3 The City and County of Swansea private hire vehicle conditions state:

*Condition 5 "vehicles will not be accepted for licensing on the first occasion after 2 years from the date of first registration. Vehicles purchased from new will be re-licensed on merit. If a vehicle when first licensed is any age up to 2 years from date of first registration it will be re-licensed on merit until it is 6 years old".*

## **6.0      RECOMMENDATION**

6.1 It is recommended that after careful consideration of the detail of this report and hearing from Mr Hancock, Members determine whether to:

- a. grant the application made by Mr Hancock to licence the Ford Mondeo vehicle registration mark YS10 BXR as a private hire vehicle and that this licence is renewed on merit; OR
- b. refuse the application made by Mr Hancock to licence the Ford Mondeo vehicle registration mark YS10 BXR as a private hire vehicle, giving reasons why it is considered unsuitable under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

### **The Licensing Committee's instructions are requested.**

Background Papers:	Licence Application
Contact Officer:	Richard Jenkins
Extension:	5600
Legal Contact:	Lyndsay Thomas

PH 4216

ATTACHED A

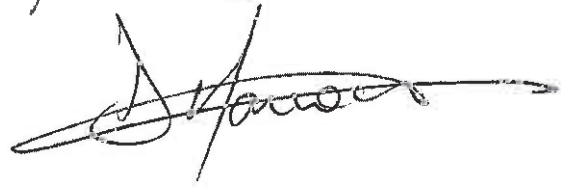
[REDACTED]

12 FEB 2014

TO WHOM IT MAY CONCERN

IN THE RESPECT OF

THE ABOVE VEHICLE I CAN CONFIRM THAT  
THE VEHICLE IS OFF THE ROAD DUE TO  
SERIOUS MECHANICAL ISSUES I WOULD LIKE  
TO SUBSTITUTE A NEWER VEHICLE  
ONTO THE LICENSE AND WOULD BE  
GRATEFUL IF MEMBERS WOULD CONSIDER  
MY APPLICATION

Yours  


# Agenda Item 6

## Report of the Divisional Officer Licensing, Food & Safety

General Licensing Committee - 25 April 2014

### TOWN POLICE CLAUSES ACT 1847 APPLICATION TO SUBSTITUTE A HACKNEY CARRIAGE VEHICLE MERCEDES C220, REGISTRATION MARK JA04 ONP MR JASON CARL PARSONS

#### 1.0 **INTRODUCTION**

- 1.1 An application to substitute a vehicle on to an existing hackney carriage licence has been received from Mr Parsons. The vehicle is a black Mercedes C220, Registration Mark JA04 ONP and is capable of carrying 4 passengers.

#### 2.0 **BACKGROUND**

- 2.1 The existing licensed vehicle, plate number HC 4091, registration mark NL57 AWN is a black Ford Focus, licensed to carry 4 passengers. This vehicle is now 6 years and 6 months old and the mileage recorded on its last inspection on the 14<sup>th</sup> March 2014 was 151,161. The licence for this vehicle expires on 31<sup>st</sup> March 2015.
- 2.2 The vehicle Mr Parsons wishes to substitute onto this licence is 5 years and 6 months. The vehicle passed the Council's inspection on the 1<sup>st</sup> April 2014 and the mileage recorded at this time was 79, 214 miles.
- 2.3 Mr Parsons has confirmed that his existing vehicle is 'breaking down' and due to the repairs it is too expensive to keep on the road.
- 2.4 Members are therefore asked to determine the suitability of the black Mercedes C220, registration mark JA04 ONP for licensing as a hackney carriage vehicle in Swansea.
- 2.5 In order to assist Members in reaching their decision the vehicle will be available for inspection at the Civic Centre on Friday 25<sup>th</sup> April 2014.

#### 3.0 **THE DEPARTMENT FOR TRANSPORT TAXI AND PRIVATE HIRE LICENSING: BEST PRACTICE GUIDANCE: MARCH 2010**

- 3.1 The Department for Transport published its Best Practice Guidance in March 2010. This states:



*It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not licence vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles – for example, twice-yearly tests for vehicles more than five years old.*

**4.0 CURRENT HACKNEY CARRIAGE VEHICLE POLICY**

- 4.1 The Council's current policy in relation to hackney carriage vehicles requires that vehicles will not be accepted for licensing on the first occasion unless brand new. All vehicles will be re-licensed on merit.
- 4.2 The policy was adopted by Swansea City Council in March 1985 and by the City and County of Swansea in 1996.
- 4.3 The reasons for the adoption of the policy were:
- i. So that the local authority could be confident as to the accident history of the relevant vehicles;
  - ii. it was envisaged that if the vehicle were a new vehicle its proprietor would be more committed to maintaining higher standards of the vehicle as a result of the higher investment made.
  - iii. The policy was intended to ensure that the vehicle was not already 'tired' before it was licensed, so it was more likely to be able to withstand the rigors demanded of a hackney carriage;
- 4.4 Since the adoption of the policy the mechanical standards, interior of the vehicles and their external appearance have improved. The improvements have been of general benefit to the public and also the image of the hackney carriage trade in Swansea.
- 4.5 The Council's age policy has been challenged since it's implementation by way of Judicial Review in 1995.
- 4.6 The decision of the High Court at this time was to dismiss the application on the basis that the evidence provided showed that the policy had the full support of the hackney carriage trade in Swansea and that the policy was carefully considered, and had reasonable objectives to protect the safety of hackney carriages and the comfort and convenience of those who travel in them.

5.0 **PREVIOUS PROPOSAL TO ALLOW THE LICENSING OF SECOND  
HAND HACKNEY CARRIAGE VEHICLES**

5.1 In December 2008 the Licensing Committee considered a request from a hackney carriage proprietor to allow licence holders to purchase second hand vehicles to replace vehicles that have been damaged and can no longer be used as a licensed vehicle as a result.

5.2 The decision of the Licensing Committee was that any individual requests would be considered on merit should they arise.

5.3 Since that decision a number of requests have been considered by Committee.

6.0 **RECOMMENDATION**

6.1 It is recommended that after careful consideration of the detail of this report and hearing from Mr Parsons, Members determine whether to:

- a) grant the application made by Mr Parsons to substitute the Mercedes C220, Registration Mark JA04 ONP onto the hackney carriage vehicle licence HC 4091; or
- b) refuse the application made by Mr Parsons to substitute the Mercedes C220, Registration Mark JA04 ONP onto the hackney carriage vehicle licence HC 4091 giving full reasons for this decision.

**The Licensing Committee's instructions are requested.**

Background Papers:	Licence Application
Contact Officer:	Richard Jenkins
Extension:	5600
Legal Contact:	Lyndsay Thomas

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## Report of the Divisional Officer Licensing, Food & Safety

General Licensing Committee - 25 April 2014

### TOWN POLICE CLAUSES ACT 1847 APPLICATION TO SUBSTITUTE A HACKNEY CARRIAGE VEHICLE MERCEDES VITO, REGISTRATION MARK TF07 WJV SWANSEA MOTOR CONTRACTS LTD – MR MARK CUTAJAR

#### 1.0 **INTRODUCTION**

- 1.1 An application to substitute a vehicle on to an existing hackney carriage licence has been received from Mr Mark Cutajar of Swansea Motor Contracts Ltd. The vehicle is a black Mercedes Vito, Registration Mark TF07 WJV and is capable of carrying 8 passengers.

#### 2.0 **BACKGROUND**

- 2.1 The existing licensed vehicle, plate number HC 5019, registration mark R610 ULH is a black Metro Cab licensed to carry 5 passengers. This vehicle is now 16 years and 5 months old and the mileage recorded on its last inspection on the 11<sup>th</sup> October 2013 was 410,910 miles.
- 2.2 The vehicle Mr Cutajar wishes to substitute onto this licence is 6 years and 8 months. The vehicle passed the Council's inspection on the 8<sup>th</sup> April 2014 and the mileage recorded at this time was 250,997 miles.
- 2.3 Mr Cutajar has confirmed that his existing vehicle has broken down and he is having difficulty in obtaining spare parts for the old car.
- 2.4 Members are therefore asked to determine the suitability of the black Mercedes Vito, registration mark TF07 WJV for licensing as a hackney carriage vehicle in Swansea.
- 2.5 In order to assist Members in reaching their decision the vehicle will be available for inspection at the Civic Centre on Friday 25<sup>th</sup> April 2014.

#### 3.0 **THE DEPARTMENT FOR TRANSPORT TAXI AND PRIVATE HIRE LICENSING: BEST PRACTICE GUIDANCE: MARCH 2010**

- 3.1 The Department for Transport published its Best Practice Guidance in March 2010. This states:

*It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not licence vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles – for*

*example, twice-yearly tests for vehicles more than five years old.*

4.0 **CURRENT HACKNEY CARRIAGE VEHICLE POLICY**

4.1 The Council's current policy in relation to hackney carriage vehicles requires that vehicles will not be accepted for licensing on the first occasion unless brand new. All vehicles will be re-licensed on merit.

4.2 The policy was adopted by Swansea City Council in March 1985 and by the City and County of Swansea in 1996.

4.3 The reasons for the adoption of the policy were:

- i. So that the local authority could be confident as to the accident history of the relevant vehicles;
- ii. it was envisaged that if the vehicle were a new vehicle its proprietor would be more committed to maintaining higher standards of the vehicle as a result of the higher investment made.
- iii. The policy was intended to ensure that the vehicle was not already 'tired' before it was licensed, so it was more likely to be able to withstand the rigors demanded of a hackney carriage;

4.4 Since the adoption of the policy the mechanical standards, interior of the vehicles and their external appearance have improved. The improvements have been of general benefit to the public and also the image of the hackney carriage trade in Swansea.

4.5 The Council's age policy has been challenged since it's implementation by way of Judicial Review in 1995.

4.6 The decision of the High Court at this time was to dismiss the application on the basis that the evidence provided showed that the policy had the full support of the hackney carriage trade in Swansea and that the policy was carefully considered, and had reasonable objectives to protect the safety of hackney carriages and the comfort and convenience of those who travel in them.

5.0 **PREVIOUS PROPOSAL TO ALLOW THE LICENSING OF SECOND HAND HACKNEY CARRIAGE VEHICLES**

5.1 In December 2008 the Licensing Committee considered a request from

a hackney carriage proprietor to allow licence holders to purchase second hand vehicles to replace vehicles that have been damaged and can no longer be used as a licensed vehicle as a result.

5.2 The decision of the Licensing Committee was that any individual requests would be considered on merit should they arise.

5.3 Since that decision a number of requests have been considered by Committee.

6.0 **RECOMMENDATION**

6.1 It is recommended that after careful consideration of the detail of this report and hearing from Mr Cutajar, Members determine whether to:

- a) grant the application made by Mr Cutajar of Swansea Motor Contracts Ltd to substitute the Mercedes Vito, Registration Mark TF07 WJV onto the hackney carriage vehicle licence HC 5019; or
- b) refuse the application made by Mr Cutajar of Swansea Motor Contracts Ltd to substitute the Mercedes Vito, Registration Mark TF07 WJV onto the hackney carriage vehicle licence HC 5019 giving full reasons for this decision.

**The Licensing Committee's instructions are requested.**

Background Papers:	Licence Application
Contact Officer:	Kath Thomas
Extension:	5600
Legal Contact:	Lyndsay Thomas

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# Agenda Item 8

## Report of the Head of Legal, Democratic Services & Procurement

### General Licensing Committee – 25 April 2014

#### EXCLUSION OF THE PUBLIC

<b>Purpose:</b>	To consider whether the Public should be excluded from the following items of business.	
<b>Policy Framework:</b>	None.	
<b>Reason for Decision:</b>	To comply with legislation.	
<b>Consultation:</b>	Legal.	
<b>Recommendation(s):</b>	It is recommended that:	
<b>1)</b>	The public be excluded from the meeting during consideration of the following item(s) of business on the grounds that it / they involve(s) the likely disclosure of exempt information as set out in the Paragraphs listed below of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 subject to the Public Interest Test (where appropriate) being applied.	
	<b>Item No.</b>	<b>Relevant Paragraphs in Schedule 12A</b>
	9 and 10	12, 13 & 18
<b>Report Author:</b>	Democratic Services	
<b>Finance Officer:</b>	Not Applicable	
<b>Legal Officer:</b>	Patrick Arran – Head of Legal, Democratic Services and Procurement (Monitoring Officer)	

#### 1. Introduction

- 1.1 Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, allows a Principal Council to pass a resolution excluding the public from a meeting during an item of business.
- 1.2 Such a resolution is dependant on whether it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in section 100I of the Local Government Act 1972.

#### 2. Exclusion of the Public / Public Interest Test

- 2.1 In order to comply with the above mentioned legislation, **Council / Cabinet / Committee** will be requested to exclude the public from the meeting during consideration of the item(s) of business identified in the recommendation(s) to the report on the grounds that it / they involve(s) the likely disclosure of

exempt information as set out in the Exclusion Paragraphs of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

- 2.2 Information which falls within paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 2.3 The specific Exclusion Paragraphs and the Public Interest Tests to be applied are listed in **Appendix A**.
- 2.4 Where paragraph 16 of the Schedule 12A applies there is no public interest test. Councillors are able to consider whether they wish to waive their legal privilege in the information, however, given that this may place the Council in a position of risk, it is not something that should be done as a matter of routine.

### **3. Financial Implications**

- 3.1 There are no financial implications associated with this report.

### **4. Legal Implications**

- 4.1 The legislative provisions are set out in the report.
- 4.2 Councillors must consider with regard to each item of business set out in paragraph 2 of this report the following matters:
  - 4.2.1 Whether in relation to that item of business the information is capable of being exempt information, because it falls into one of the paragraphs set out in Schedule 12A of the Local Government Act 1972 as amended and reproduced in Appendix A to this report.
  - 4.2.2 If the information does fall within one or more of paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended, the public interest test as set out in paragraph 2.2 of this report.
  - 4.2.3 If the information falls within paragraph 16 of Schedule 12A of the Local Government Act 1972 in considering whether to exclude the public members are not required to apply the public interest test but must consider whether they wish to waive their privilege in relation to that item for any reason.

**Background Papers:** None

## Public Interest Test

No.	Relevant Paragraphs in Schedule 12A
<b>12</b>	<b>Information relating to a particular individual.</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 12 should apply. His view on the public interest test was that to make this information public would disclose personal data relating to an individual in contravention of the principles of the Data Protection Act. Because of this and since there did not appear to be an overwhelming public interest in requiring the disclosure of personal data he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>13</b>	<b>Information which is likely to reveal the identity of an individual.</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 13 should apply. His view on the public interest test was that the individual involved was entitled to privacy and that there was no overriding public interest which required the disclosure of the individual's identity. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>14</b>	<b>Information relating to the financial or business affairs of any particular person (including the authority holding that information).</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 14 should apply. His view on the public interest test was that:</p> <p><b>a)</b> Whilst he was mindful of the need to ensure the transparency and accountability of public authority for decisions taken by them in relation to the spending of public money, the right of a third party to the privacy of their financial / business affairs outweighed the need for that information to be made public; or</p> <p><b>b)</b> Disclosure of the information would give an unfair advantage to tenderers for commercial contracts.</p> <p>This information is not affected by any other statutory provision which requires the information to be publicly registered.</p> <p>On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>15</b>	<b>Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the</b>



	<b>Crown and employees of, or office holders under, the authority.</b>
	The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 15 should apply. His view on the public interest test was that whilst he is mindful of the need to ensure that transparency and accountability of public authority for decisions taken by them he was satisfied that in this case disclosure of the information would prejudice the discussion in relation to labour relations to the disadvantage of the authority and inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.
<b>16</b>	<b>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</b>
	No public interest test.
<b>17</b>	<b>Information which reveals that the authority proposes:</b> <b>(a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</b> <b>(b) To make an order or direction under any enactment.</b>
	The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 17 should apply. His view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by the public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.
<b>18</b>	<b>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</b>
	The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 18 should apply. His view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.
<b>18c</b>	The deliberations of a Standards Committee or of a sub committee of a Standards Committee established under the provisions of the Local Government Act 2000 in reaching any finding of a matter referred to it.

# Agenda Item 9

By virtue of paragraph(s) 12, 13, 18 of Schedule 12A  
of the Local Government Act 1972  
as amended by the Local Government (Access to  
Information) (Variation) (Wales) Order 2007.

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# Agenda Item 10

By virtue of paragraph(s) 12, 13, 18 of Schedule 12A  
of the Local Government Act 1972  
as amended by the Local Government (Access to  
Information) (Variation) (Wales) Order 2007.

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