

CITY AND COUNTY OF SWANSEA

MINUTES OF THE GENERAL LICENSING COMMITTEE

HELD AT COMMITTEE ROOM 3A, GUILDHALL, SWANSEA ON FRIDAY,
14 AUGUST 2015 AT 10.00 AM

PRESENT: Councillor P M Matthews (Chair) Presided

Councillor(s)	Councillor(s)	Councillor(s)
D W Cole	P Downing	K E Marsh
A M Cook	V M Evans	H M Morris
J P Curtice	P Lloyd	

Officers:

L Anthony	-	Divisional Licensing Officer
K Thomas	-	Licensing Officer
R Jenkins	-	Licensing Officer
K Clague	-	Lawyer
J Parkhouse	-	Democratic Services Officer

23 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors A C S Colburn and C L Philpott.

24 **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 V M Evans - Minute Nos. 26 and 27 - I know the applicant as he works in my Ward - personal and prejudicial and left the meeting prior to discussion on these items.

Councillor P Lloyd - Minute Nos. 26 and 27 - I know the applicant as he works in my Ward - personal and prejudicial and left the meeting prior to discussion on these items.

25 **MINUTES:**

RESOLVED that the Minutes of the General Licensing Committee Meeting held on 10 July 2015 be approved as a correct record.

26 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 -
APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE,
VOLKSWAGEN PASSAT, REGISTRATION MARK - BT03 JTY - MR D JONES.**

The Divisional Licensing Officer advised that an application to license a restricted private hire vehicle had been received from Mr D Jones. The vehicle was Volkswagen Passat, registration mark B203 JTY and was capable of carrying four passengers. The vehicle did not comply with the current licensing criteria set out by the Authority due to its age and Mr Jones wished to use the restricted private hire vehicle, if licensed, for the purposes of school transport, airport travel and/or executive hire only.

Members noted the inspections and documents, Department of Transport, Taxi and Private Hire Licensing: Best Practice Guidance: March 2010; and the legislation relating to the licensing of private hire vehicles.

Members asked questions of Mr D Jones who responded accordingly.

RESOLVED that the application made by Mr D Jones for a restricted private hire vehicle licence in respect of the Volkswagen Passat, vehicle registration mark BT03 JTY **BE GRANTED** and renewed on merit.

27 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 -
APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE, ROVER
55, REGISTRATION MARK - BF51 KYU - MR D JONES.**

The Divisional Licensing Officer advised that an application for a restricted private hire vehicle licence had been received from Mr D Jones. The vehicle was a blue Rover 75 type vehicle, registration mark BF KYU and was capable of carrying four passengers.

Members noted the inspections and documents, Department of Transport, Taxi and Private Hire Licensing: Best Practice Guidance: March 2010; and the legislation relating to the licensing of private hire vehicles.

Members asked questions of Mr D Jones who responded accordingly.

RESOLVED that the application made by Mr D Jones for a restricted private hire vehicle licence in respect of the Rover 75, vehicle registration mark BF51 KYU **BE GRANTED** and renewed on merit.

28 **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/they 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)

29 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1976 - HACKNEY CARRIAGE AND
PRIVATE HIRE DRIVER'S LICENCE 1939 - SS.**

The Divisional Licensing Officer detailed the background information in respect of SS.

SS, accompanied by Mr Warren (Solicitor) outlined the background details and circumstances relating to the offences and answered members' questions.

RESOLVED that SS's hackney carriage and private hire driver's licence application **BE REFUSED** under Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, "any other reasonable cause" and that no further action be taken against SS's vehicle licence number 7037.

Reason for Decision

Members were not satisfied that SS is a fit and proper person to hold a HC/PHV driver's licence:

- a) Whilst the complainant did not attend committee for the reasons given in her email to licencing officers, she provided a detailed witness statement, which was supported by the video clip produced as exhibit ELR1 and by the written account given by her friend. The fact that the complainant felt it necessary to record part of the journey and stay in contact with her friend throughout indicated that she was concerned about the actions of SS and lent weight to her account that it was SS who suggested they 'go for a drive'.
- b) In contrast, the account given by SS both orally and in his written statement was not consistent with the video evidence. SS accepted the transcript of the video evidence as accurate, save that in the penultimate line SS did not think the complainant said 'this is weird', but that she said 'full whack'. The transcript showed that the complainant told SS where she lived, and SS accepted that this occurred early on in the journey, specifically, as they were passing the university on the way out of the City, i.e. before driving down to Caswell Bay. At the very latest, he had the opportunity at this point to take the complainant home and should have done so. Members did not accept SS' evidence that the complainant wanted to go for a drive. It was clear from the words used by SS in the video that the suggestion to go for a drive came from him.
- c) Members did not feel that SS gave a truthful account of what occurred that night. Whilst there were some inconsistencies in the accounts given by both SS (as between his evidence and the video evidence) and the complainant (her

evidence and the information received from the police), the balance favoured the complainant's evidence.

- d) Even on SS' own account he acted inappropriately in responding to the alleged flirting of the complainant and in responding to her allegedly kissing him. Members did not feel that SS demonstrated a full appreciation of this.
- e) As a taxi driver SS is in a position of responsibility and trust and will often come into contact with vulnerable people. The complainant was a lone female in his taxi in the early hours of the morning. She had clearly been drinking. SS abused his position. His conduct was so serious as to justify a refusal to renew his driver's licence.

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

The Divisional Licensing Officer detailed the background information in respect of SJM.

SJM outlined the background details and circumstances relating to the offences and answered members' questions.

RESOLVED that SJM's application for a restricted hackney carriage and private hire driver's licence **BE APPROVED**.

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

The Divisional Licensing Officer detailed the background information in respect of WTH.

WTH outlined the background details and circumstances relating to the offences and answered members' questions.

RESOLVED that WTH's application for a hackney carriage and private hire driver's licence **BE APPROVED** and WTH be issued with a warning letter setting the standards expected of hackney carriage and private hire drivers licensed with the City and County of Swansea in relation to future conduct.

The meeting ended at 12.05 pm

CHAIR