

CITY AND COUNTY OF SWANSEA

MINUTES OF THE GENERAL LICENSING COMMITTEE

HELD AT COMMITTEE ROOM 3A, GUILDHALL, SWANSEA ON FRIDAY,
9 OCTOBER 2015 AT 10.00 AM

PRESENT: Councillor P M Matthews (Chair) Presided

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

Officers:

L Anthony	-	Divisional Licensing Officer
A Gruffydd	-	Lawyer
Y Lewis	-	Senior Licensing Officer
S Woon	-	Democratic Services Officer

48 **APOLOGIES FOR ABSENCE.**

An apology for absence was received from Councillor H M Morris.

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

Councillor V M Evans - Minute No. 52 – Personal - Town Police Clauses Act 1847 – Local Government (Miscellaneous Provisions) Act 1976 – Hackney Carriage and Private Hire Drivers Licence – MNI - Reference to RMT Union, I am a member of RMT.

Councillor P Lloyd - Minute No. 53 – Personal and Prejudicial - Local Government (Miscellaneous Provisions) Act 1976 – Application to Licence a Restricted Private Hire Vehicle, Ford Galaxy, Registration Mark AA02 MOL - I know the applicant. Councillor P Lloyd left the meeting prior to discussion on this item.

Councillor P M Matthews - Minute No. 53 – Personal and Prejudicial - Local Government (Miscellaneous Provisions) Act 1976 – Application to Licence a Restricted Private Hire Vehicle, Ford Galaxy, Registration Mark AA02 MOL - I know the applicant. Councillor P M Matthews left the meeting prior to discussion on this item.

Councillor C L Philpott - Minute No. 56 – Personal and Prejudicial - Local Government (Miscellaneous Provisions) Act 1976 – Application to Licence a Restricted Private Hire Vehicle, Ford Transit, Registration Mark CV03 PBV – P W & E K Harris Taxi Hire Ltd – Applicant could consider, due to a conversation prior to

Committee, that I may not be impartial. Councillor C L Philpott left the meeting prior to discussion on this item.

Councillor C L Philpott - Minute No. 57 – Personal and Prejudicial - Local Government (Miscellaneous Provisions) Act 1976 – Application to Licence a Restricted Private Hire Vehicle, Ford Transit, Registration Mark CV03 SFN – Applicant could consider, due to a conversation prior to Committee, that I may not be impartial. Councillor C L Philpott left the meeting prior to discussion on this item.

50 **MINUTES:**

RESOLVED that the minutes of the General Licensing Committee held on 11 September, 2015 be agreed as a correct record subject to K E March being amended to K E Marsh.

51 **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)

52 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE - MNI.**

The Lawyer advising the Committee stated that a written request for a deferral had been received from MNI.

Members' noted the reasons for the deferral and accepted the advice of the Lawyer.

RESOLVED that the matter would be deferred until 23 October, 2015, where it would be considered by a Special General Licensing Committee.

OPEN SESSION

COUNCILLOR P DOWING (VICE CHAIR) PRESIDED

53 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 -
APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE, FORD
GALAXY, REGISTRATION MARK AA02 MOL - MR P EGLITIS.**

Members inspected the vehicle.

The Divisional Officer, Licensing, Food & Safety, advised that an application to license a restricted private hire vehicle had been received from Mr P Eglitis. The vehicle was a black Ford Galaxy, registration mark AA02 MOL and was capable of carrying six passengers.

The vehicle did not comply with the current licensing criteria set out by the Authority due to its age. Mr Eglitis wished to use the restricted private hire vehicle, if licensed, for the purposes of school transport, airport travel and/or executive hire only.

The Divisional Officer, Licensing, Food & Safety, reported that the vehicle did not possess a spare tyre or a puncture repair kit.

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 P Eglitis who responded accordingly. Mr P Eglitis apologised for the lack of spare tyre and explained the circumstances surrounding it.

RESOLVED that the application made by Mr P Eglitis for a restricted private hire vehicle licence in respect of the black Ford Galaxy, vehicle registration mark AA02 MOL **BE DELEGATED TO OFFICERS TO GRANT** pending the inclusion of the spare tyre and renewed on merit.

COUNCILLOR P M MATTHEWS (CHAIR) PRESIDED

54 **TOWN POLICE CLAUSES ACT 1847 - APPLICATION FOR THE SUBSTITUTION
AND RENEWAL OF A HACKNEY CARRIAGE VEHICLE LICENCE,
REGISTRATION MARK SF53 BBJ - MR S WILLIAMS.**

Mr S Williams advised the Committee that there had been difficulties associated with taxing the vehicle and requested a deferral.

RESOLVED that the matter be deferred for consideration at the next Committee.

55 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 -
APPLICATION TO LICENCE A PRIVATE HIRE VEHICLE, FORD FOCUS,
REGISTRATION MARK WA59 AEL - MR S WILLIAMS.**

The Divisional Officer, Licensing, Food & Safety, advised that an application to licence a private hire vehicle had been received from Mr S Williams. The vehicle was a white Ford Focus 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.

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 S Williams who responded accordingly.

RESOLVED that the application made by Mr S Williams for a restricted private hire vehicle licence in respect of the white Ford Focus, vehicle registration mark WA59 AEL **BE GRANTED** and renewed on merit.

56 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 -
APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE, FORD
TRANSIT, REGISTRATION MARK CP03 PBV - P.W. & E.K. HARRIS TAXI HIRE
LTD.**

Members inspected the vehicle.

The Divisional Officer, Licensing, Food and Safety, advised that an application for a restricted private hire vehicle had been received from P W and E K Harris Taxi Hire Ltd. The vehicle was a yellow Ford Transit vehicle and was capable of carrying 7 passengers which included two wheelchairs.

The vehicle did not comply with the current licensing criteria set out by the Authority due to its age, only having one door on the off side of the vehicle and signage which was displayed on the front, rear and sides of the vehicle. Mr Harris wished to use the restricted private hire vehicle, if licensed, for the purposes of school transport 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 Harris who responded accordingly.

RESOLVED that the application made by Mr Harris for a restricted private hire vehicle licence in respect of the Ford Transit, vehicle registration mark CP03 PBV **BE REFUSED** under Section 48(a)(i) and (v) of Local Government (Miscellaneous Provisions) Act 1976.

Reason for Decision

The Committee were concerned regarding the signage and the dirty internal roof.

57 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE, FORD TRANSIT, REGISTRATION MARK CV03 SFN - P.W. & E.K. HARRIS TAXI HIRE LTD.**

Members inspected the vehicle.

The Divisional Officer, Licensing, Food and Safety, advised that an application for a restricted private hire vehicle had been received from P W and E K Harris Taxi Hire Ltd. The vehicle was a yellow Ford Transit vehicle and was capable of carrying 7 passengers which included two wheelchairs.

The vehicle did not comply with the current licensing criteria set out by the Authority due to its age, only having one door on the off side of the vehicle and signage which was displayed on the front, rear and sides of the vehicle. Mr Harris wished to use the restricted private hire vehicle, if licensed, for the purposes of school transport 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 Harris who responded accordingly.

RESOLVED that the application made by Mr Harris for a restricted private hire vehicle licence in respect of the Ford Transit, vehicle registration mark CP03 SFN **BE REFUSED** under Section 48(a)(i) and (v) of Local Government (Miscellaneous Provisions) Act 1976.

Reason for Decision

The Committee were concerned regarding the signage, and the dirty internal roof.

58 **DEREGULATION ACT 2015 - CHANGES TO TAXI AND PRIVATE HIRE DRIVERS FEES.**

The Divisional Officer, Licensing, Food and Safety detailed the background to the Deregulation Changes in respect of Hackney Carriage and Private Hire Drivers.

Members noted the current considerations and proposed fees.

Members asked questions of the Officer who responded accordingly.

RESOLVED that:

1. the proposed fee levels outlined in paragraph 4 be agreed;
2. the date for implementation be agreed as 1 November 2015 for grant applications and knowledge test fees; and
3. 1 December 2015 for renewal applications.

59 **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)

60 **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** permanently.

61 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE - ART.**

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

ART, accompanied by Mr Burnell and Ms Burton, Legal Representatives, outlined the background details and circumstances of the convictions and answered Members' questions.

RESOLVED that:

1. ART be issued with a final warning letter regarding future conduct. The letter to indicate that any future breach will result in the matter being considered by the General Licensing Committee within 7 days; and
2. No action be taken in respect of ART's vehicle licence.

Minutes of the General Licensing Committee (09.10.2015)
Cont'd

The meeting ended at 11.58 am

CHAIR