

CITY AND COUNTY OF SWANSEA

MINUTES OF THE GENERAL LICENSING COMMITTEE

HELD AT COMMITTEE ROOM 3A, GUILDHALL, SWANSEA ON FRIDAY,
13 NOVEMBER 2015 AT 10.00 AM

PRESENT: Councillor P M Matthews (Chair) Presided

Councillor(s)	Councillor(s)	Councillor(s)
A C S Colburn D W Cole P Downing	P Lloyd K E Marsh	H M Morris C L Philpott

Officers:

L Anthony	-	Divisional Licensing Officer
R Jenkins	-	Licensing Officer
L Thomas	-	Senior Lawyer
S Woon	-	Democratic Services Officer

65 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors J P Curtice and V M Evans.

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

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

67 **MINUTES.**

RESOLVED that the minutes of the General Licensing Committee held on 9 October, 2015 and the Special General Licensing Committee held on 23 October, 2015 be agreed as correct record.

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

The Divisional Officer, Licensing, Food and Safety, advised that an application for the substitution and renewal of a hackney carriage vehicle licence had been received from Mr Williams. The vehicle was a black Peugeot Expert, Registration Mark SF53 BBJ and was capable of carrying 7 passengers.

Members' noted that the matter had been deferred from the General Licensing Committee on 9 October, 2015, as Mr Williams had confirmed that there had been difficulties taxing the vehicle.

Members' noted the background, current application, vehicle history, current considerations, Department of Transport – Taxi and Private Hire Licensing; Best Practice Guidance March 2010 and Hackney Carriage Vehicle Policy.

Members' asked questions of Mr Williams who responded accordingly.

RESOLVED, that the application made by Mr Williams to substitute and renew the Hackney Carriage Vehicle Licence in respect of the Peugeot Expert vehicle registration Mark SF53 BBJ be **APPROVED**.

69 **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)

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

The Divisional Officer, Licensing, Food and Safety, detailed the background information in respect of JM.

JM explained the background and circumstances of his request and answered Members' questions.

RESOLVED that JM's request for a Hackney Carriage and Private Hire Driver's Licence be **REFUSED**.

Reason for Decision

The Committee were not satisfied JM was a fit and proper person because:-

- The safety of the public was a paramount consideration for the Members;
- The nature and number of offences committed in close proximity since 2010;
- The number of offences involving dishonesty which were committed within 3-5 years. JM did not have the minimum of 3 years free from convictions.

- Members were not satisfied it was appropriate or reasonable to depart from the guidelines having regard to all the circumstances of the case as set out in the report and having heard JM; and
- The limited explanations provided by JM to mitigate his position when asked about the offences were insufficient to satisfy the members he was acting out of character and therefore would not commit further offences going forward.

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

The Divisional Officer, Licensing, Food and Safety, detailed the background information in respect of AJR.

Members' asked questions of the Officer who responded accordingly.

AJR explained the background and circumstances of his request and answered Members' questions.

RESOLVED that AJR's request for a Hackney Carriage and Private Hire Driver's Licence be **REFUSED**.

Reason for Decision

The Committee were not satisfied AJR was a fit and proper person because:

- The safety of the public was a paramount consideration for the Members;
- The number of speeding offences within 3 years committed by AJR which he admitted;
- Members' noted he was disputing a further offence which was pending ,but they found in light of AJR's response and representations made that he was putting Police to proof of the alleged speed. He admitted going 30 or 31 mph. The Member's found it was more likely than not he had been going in excess of 30 mph in light of the other offences;
- Members were not satisfied he was acting out of character in the absence of any real mitigation and/or remorse and/or any attempt by AJR to address his propensity to speed; and
- All convictions were committed when he was driving a taxi although the Members noted he denied he had any passengers at the time of the ones for which he was convicted. AJR admitted he had passengers for the offence he was disputing.

The meeting ended at 10.44 am

CHAIR