

CITY AND COUNTY OF SWANSEA

MINUTES OF THE GENERAL LICENSING COMMITTEE

HELD AT COMMITTEE ROOM 3A, GUILDHALL, SWANSEA ON FRIDAY,
12 JUNE 2015 AT 10.00 AM

PRESENT: Councillor P M Matthews (Chair) Presided

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

[Note: Councillors A M Cook and J P Curtice left the meeting prior to deliberation of minute no. 14]

Officers:

A Gruffydd - Senior Lawyer
R Jenkins - Licensing Officer
Y Lewis - Senior Licensing Officer
D Picken - Divisional Officer, Trading Standards
S Woon - Democratic Services Officer

6 **APOLOGIES FOR ABSENCE.**

No apologies for absence were received.

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

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

8 **MINUTES:**

RESOLVED that the Minutes of the General Licensing Committee held on 14 May, 2015 and 19 May, 2015 be approved as correct records.

9 **TERMS OF REFERENCE (FOR INFORMATION).**

The Terms of Reference were provided for information.

10 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**
APPLICATION TO LICENCE A PRIVATE HIRE VEHICLE, FORD FOCUS,
REGISTRATION MARK EU59 GGO -MR DAVID JONES.

The Senior Licensing Officer advised that an application for a private hire vehicle licence had been received from Mr D Jones. The vehicle was a white Ford Focus type, Registration Mark EU59 GG0 and was capable of carrying 4 passengers.

Members' noted the Inspections and Documents, Department of Transport Taxi and Private Hire Licensing: Best Practice Guidance: March 2010; and 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 Private Hire Vehicle Licence in respect of the Ford Focus, Registration Mark EU59 GG0 be **GRANTED** and renewed on merit.

11 **TOWN POLICE CLAUSES ACT 1847 - APPLICATION FOR THE GRANT OF A**
HACKNEY CARRIAGE VEHICLE LICENCE - VOLKSWAGEN TRANSPORTER,
REGISTRATION MARK CU05 FTF - MR TABARAK 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 Volkswagen 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 Volkswagen Transporter, registration mark CU05 FTF be **GRANTED** with the inclusion of the following condition "the step place and fixings used to facilitate wheelchair access must be securely stored and kept in the vehicle at all times and be safely secured before the ramps are positioned for the loading of the wheelchair".

12 **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)

13 **EQUALITY ACT 2010 - PASSENGERS IN WHEELCHAIRS - REQUEST FOR AN EXEMPTION CERTIFICATE - JJH.**

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

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

RESOLVED that JJH's request for an exemption from carrying wheel chair users in his hackney carriage vehicle be **APPROVED** and such exemption be renewed on merit by Licensing Officers.

14 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) ACT 1982 - SCHEDULE 4, APPLICATION FOR THE GRANT OF STREET TRADING CONSENT - LA.**

The Divisional Officer, Trading Standards, advised that LA had failed to attend the meeting.

The Lawyer advising the Committee confirmed that in the absence of written or oral confirmation from LA that she wished another person to represent her, no other individual would be able to represent her at the Committee. He outlined the options available to the Committee when determining the matter.

The Divisional Officer, Trading Standards, advised that an application for a Street Trading Consent had been received by LA to trade within the City and County of Swansea.

The Divisional Officer, Trading Standards, detailed the background details in respect of LA.

Members asked questions of the Officer who responded accordingly.

RESOLVED:

- a. The matter be dealt with in LA's absence;
- b. LA's request for Street Trading Consent be **REFUSED**.

Reason for Decision

Having taken account of the evidence presented in the report, and the regular and consistent breaches of paragraph 7, sub paragraph 5 (section 4) of the Local Government (Miscellaneous Provisions) Act 1982, which included obstruction to the street and/or danger to people using it; or nuisance or annoyance.

Examples have been raised by Parks and Foreshores and Regeneration that they were trading on incorrect sites and areas where trading was not permitted.

Attempts were made by the Local Authority to engage with LA to address the problems raised, however these invitations were not taken up.

LA had been told that her employees had been breaching conditions, however, persistent offending continued.

The meeting ended at 11.10 am

CHAIR