

DINAS A SIR ABERTAWE

HYSBYSIAD O GYFARFOD

Fe'ch gwahoddir i gyfarfod

PWYLLGOR TRWYDDEDU CYFFREDINOL

Lleoliad: Siambr y Cyngor, Neuadd y Ddinas, Abertawe

Dyddiad: Dydd Gwener, 8 Ionawr 2016

Amser: 10.00 am

Cadeirydd: Cyngorydd Penny Matthews

Aelodaeth:

Cynghorwyr: A C S Colburn, D W Cole, A M Cook, J P Curtice, P Downing, V M Evans, P Lloyd, K E Marsh, H M Morris, C L Philpott a/ac T H Rees

AGENDA

Rhif y Dudalen.

- 1 Ymddiheuriadau am absenoldeb.
- 2 Derbyn datgeliadau o fuddiannau personol a rhagfarnol.
www.abertawe.gov.uk/DatgeliadauBuddiannau
- 3 **Cofnodion:** 1 - 5
Cymeradwyo a llofnodi fel cofnod cywir gofnodion y cyfarfod(ydd) blaenorol.
- 4 **Deddf Cyfrifoldebau Heddluoedd Trefol 1847 - Cais am roi Trwydded Cerbyd Hacni - Rhif Cofrestru DF55 CCV - Mr Amrinder Singh Patwal.** 6 - 9
- 5 **Gwahardd y cyhoedd.** 10 - 13
- 6 **Deddf Cydraddoldeb 2010 - Teithwyr mewn cadeiriau olwyn - Cais am Dystysgrif Eithrio - MAJ.** 14 - 16
- 7 **Deddf Cydraddoldeb 2010 - Teithwyr mewn cadeiriau olwyn - Cais am Dystysgrif Eithrio - KE.** 17 - 20
- 8 **Deddf Cyfrifoldebau Heddluoedd Trefol 1847 - Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976 - Cais am Drwydded Yrru Cerbyd Hacni a Hurio Preifat - CWJ.** 21 - 23
- 9 **Deddf Cyfrifoldebau Heddluoedd Trefol 1847 - Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976 - Cais am Drwydded Yrru Cerbyd Hacni a Hurio Preifat - JJBT.** 24 - 36

Cyfarfod Nesaf: Dydd Gwener, 12 Chwefror 2016 am 10.00 am



Patrick Arran

**Pennaeth Gwasanaethau Cyfreithiol a Democrataidd
Dydd Mawrth, 5 Ionawr 2016**

Cyswllt: Gwasanaethau Democrataidd - (01792) 637292

CITY AND COUNTY OF SWANSEA

MINUTES OF THE GENERAL LICENSING COMMITTEE

HELD AT COUNCIL CHAMBER, GUILDHALL, SWANSEA ON FRIDAY,
11 DECEMBER 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	A M Cook
P Downing	V M Evans	K E Marsh
H M Morris	C L Philpott	T H Rees

Apologies for Absence

Councillor(s): J P Curtice and P Lloyd

Officers:

L Anthony – Divisional Licensing Officer
Y Lewis - Licensing Officer
L Thomas – Senior Lawyer
G Borsden – Democratic Services Officer

72 **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. 74(LJ) & 79(MAJ) - I know both applicants - personal and prejudicial and left the meeting prior to discussion on these items.

73 **MINUTES.**

RESOLVED that the Minutes of the General Licensing Committee Meeting held on 13 November 2015 be approved as a correct record.

74 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR THE SUBSTITUTION OF A PRIVATE HIRE VEHICLE - FORD FOCUS (EU60 CGX) - A STAR MINI TRAVEL - MR LEE JONES.**

The Divisional Licensing Officer advised that an application to substitute a vehicle on an existing private hire vehicle licence had been received from Mr Lee Jones. The vehicle was a white Ford Focus, Registration Mark EU60 CGX 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 background, relevant issues in relation to Hackney Carriage Vehicles, Department for Transport - Taxi and Private Hire Licensing; Best Practice Guidance; March 2010 and legislation relating to the licensing of Private Hire Vehicles.

RESOLVED that the application made by Mr. Lee Jones to substitute the white Ford Focus, Registration Mark EU60 CGX onto the private hire vehicle licence 4692 **BE APPROVED** and renewed on merit.

75 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE - FORD TRANSIT (CV10 ZVA) - MR SIMON STERN.**

The Divisional Licensing Officer advised that an application to licence a restricted private hire vehicle had been received from Mr S Stern. The vehicle was Ford Transit, registration mark CV10 ZVA and was capable of carrying eight passengers.

The vehicle did not comply with the current licensing criteria set out by the Authority due to its age. Mr Stern 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.

RESOLVED that the application made by Mr S Stern for a restricted private hire vehicle licence in respect of the Ford Transit, vehicle registration mark CV10 ZVA **BE APPROVED** and renewed on merit.

76 **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.

RESOLVED that the public be excluded for the following items of business.

(CLOSED SESSION)

77 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1976 - RENEWAL OF HACKNEY
CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - PJCT.**

The Divisional Licensing Officer detailed the background information in respect of PJCT's renewal application. She indicated that due to issues regarding his renewal, his licence had been extended until today in order that Committee could consider the matter.

PJCT outlined the background details and circumstances relating to the reasons behind his failure to disclose relevant medical details on his renewal application and answered members' questions relating to the matter.

RESOLVED that PJCT's hackney carriage and private hire driver's licence renewal application **BE REFUSED** under Section 61 (1) (b) of the Local Government (Miscellaneous Provisions) Act 1976.

Reason for Decision

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

PJCT had held a licence since 1996 and should therefore have known the process for renewing and what was required to be disclosed.

Found on the information provided in the report and representations made at committee it was clear PJCT was not fit to drive between 23/9/15 and 6/11/15

At the time of submitting his renewal application on 29/10/15 PJCT knew he was not fit to drive but failed to advise the Authority as he was required to do

Knowing he was not fit to drive he chose to undertake his school contract and drive children between 23/9/15 and 6/11/15.

Going forward the Members did not feel PJCT would inform the Authority of a change of circumstances as he was required to do putting the safety of the travelling public at risk.

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

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

BAM and Mr M outlined the background details and circumstances relating to BAM's convictions and answered members' questions.

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

79 **EQUALITY ACT 2010 - PASSENGERS IN WHEELCHAIRS - REQUEST FOR AN EXEMPTION CERTIFICATE - MAJ.**

The Licensing Officer reported on the request from MAJ for an exemption certificate from carrying wheelchairs for a period due to a knee injury.

The report from MAJ's doctor was detailed.

Members asked questions of MAJ who responded accordingly.

RESOLVED that MAJ's application for an exemption from carrying wheelchair users in her hackney carriage vehicle **BE APPROVED** for a period until 8 January 2016 but due to her disclosure regarding her additional medical condition she be required to undertake an appropriate Medical Assessment to establish whether she is fit to continue to drive.

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

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

MK outlined the background details and circumstances relating to his conviction and answered members' questions.

RESOLVED that MK be issued with a warning letter regarding future conduct.

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

The Divisional Licensing Officer detailed the background information in respect of D-CD.

D-CD outlined the background details and circumstances relating to his conviction and answered members' questions.

RESOLVED that D-CD's restricted hackney carriage and private hire driver's Licence application **BE REFUSED** under Section 51(1) (a) and 59(1) (a) of the Local Government (Miscellaneous Provisions) Act 1976.

Reason for Decision

Members were not satisfied having heard from D-CD that he is a fit and proper person to hold a restricted HC/PHV driver's licence due to his conviction for theft as he had not had at least 3 years free from convictions in line with the guidelines and the Committee were not persuaded by D-CD that they should depart from the said guidelines especially as he would be driving vulnerable groups if granted a licence.

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

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

ZJ and Mr Jeffries (Solicitor) outlined the background details and circumstances relating to her caution and answered members' questions relating to the incident.

RESOLVED that ZJ be issued with a warning letter regarding future conduct.

The meeting ended at 11.50 am

CHAIR

Agenda Item 4

REPORT OF THE DIVISIONAL OFFICER LICENSING, FOOD & SAFETY

General Licensing Committee - 8 January 2016

TOWN POLICE CLAUSES ACT 1847 APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE VEHICLE LICENCE, REGISTRATION MARK DF55 CCV MR AMRINDER SINGH PATWAL

1. **INTRODUCTION**

- 1.1 An application for the grant of a hackney carriage vehicle licence has been received from Mr Patwal. The vehicle is a black Mercedes Vito Registration Mark DF55 CCV and is capable of carrying 7 passengers.
- 1.2 At the General Licensing Committee of 17th December 2014, Members agreed that any vehicle that does not comply with the current licensing criteria and/or is over 5 years continue to be considered by Committee. However, in future Members of the General Licensing Committee would not inspect the vehicle. The vehicle would be inspected by Licensing Officers prior to the Licensing Committee and Members would consider a written report.

2. **BACKGROUND**

- 2.1 This vehicle was previously licensed with the City & County of Swansea from new in February 2006 until the licence expired in December 2014. The vehicle was first registered on the 15th February 2006 and is therefore 9 years and 11 months old.

3. **CURRENT APPLICATION**

- 3.1 On 23rd November 2015 Mr Patwal requested that the Licensing Division inspect a black Mercedes Vito, vehicle registration mark DF55 CCV with a view to licensing the vehicle as a hackney carriage.
- 3.2 On 30th November 2015 the vehicle passed the Council inspection and an inspection by Licensing Officers. The mileage recorded at this time was 291,467 miles.

4. THE VEHICLE HISTORY

- 4.1 Mr Patwal has provided an up to date vehicle history check but has not provided full service history for the vehicle. Licensing Officers can confirm that the vehicle whilst licensed with the Authority between 2006 and 2014 that no issues were recorded against the vehicle.
- 4.2 The available MOT history check for the vehicle registration DF55 CCV is as follows:

DATE OF MOT	RECORDED MILEAGE
12 th June 2007	Passed M.O.T however no recorded mileage available
13 th June 2008	Passed M.O.T however no recorded mileage available
8 th June 2009	Passed M.O.T however no recorded mileage available
14 th June 2010	168,553
24 th June 2011	211,109
19 th June 2012	251,719
4 th July 2013	279,398
6 th November 2016	291,458

5. CURRENT CONSIDERATIONS

- 5.1 A check of the vehicle file held from when the vehicle was licensed with the Authority has confirmed that there are no discrepancies in respect of the vehicles mileage when compared to the vehicle inspection sheets.
- 5.2 As the vehicle has passed the council's inspections, Members are asked to consider whether the Mercedes Vito, vehicle registration mark DF55 CCV is suitable for licensing as a hackney carriage vehicle in Swansea.

6. THE DEPARTMENT FOR TRANSPORT TAXI AND PRIVATE HIRE LICENSING: BEST PRACTICE GUIDANCE: MARCH 2010

- 6.1 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.

7. **CURRENT HACKNEY CARRIAGE VEHICLE POLICY**

7.1 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.

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

7.3 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;

7.4 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.

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

7.6 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.

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

8.1 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.

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

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

9. **RECOMMENDATION**

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

- i) grant the application made by Mr Patwal to grant the hackney carriage vehicle licence in respect of the Mercedes Vito vehicle registration mark DF55 CCV; or
- ii) refuse the application made by Mr Patwal to grant the hackney carriage vehicle licence in respect of the Mercedes Vito vehicle registration mark DF55 CCV 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:	Aled Gruffydd

Agenda Item 5

Report of the Head of Legal, Democratic Services

General Licensing Committee – 8 January 2016

EXCLUSION OF THE PUBLIC

Purpose:	To consider whether the Public should be excluded from the following items of business.	
Policy Framework:	None.	
Reason for Decision:	To comply with legislation.	
Consultation:	Legal.	
Recommendation(s):	It is recommended that:	
1)	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.	
	Item No.	Relevant Paragraphs in Schedule 12A
	6, 7, 8 & 9	12, 13 & 18
Report Author:	Democratic Services	
Finance Officer:	Not Applicable	
Legal Officer:	Patrick Arran – Head of Legal & Democratic Services (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
12	Information relating to a particular individual.
	<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>
13	Information which is likely to reveal the identity of an individual.
	<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>
14	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
	<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>a) 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) 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>
15	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

	Crown and employees of, or office holders under, the authority.
	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.
16	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
	No public interest test.
17	Information which reveals that the authority proposes: (a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) To make an order or direction under any enactment.
	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.
18	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
	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.
18c	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 6

By virtue of paragraph(s) 12, 13, 15 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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By virtue of paragraph(s) 12, 13, 15 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 7

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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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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REPORT OF THE DIVISIONAL OFFICER
LICENSING, FOOD & SAFETY
TO THE GENERAL LICENSING COMMITTEE
8TH JANUARY 2016

TOWN POLICE CLAUSES ACT 1847 -
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 –
APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE
DRIVER’S LICENCE – MR CLAYTON WAYNE JONES

1. An application has been received from Mr Jones for the grant of a hackney carriage and private hire driver’s licence. Mr Jones has been informed that he must produce his current DVLA photocard driving licence.

2. If granted the licence will also entitle Mr Jones to drive for the purposes of home to school transport which would involve transporting children either individually or in small groups, many of which will have special educational needs.

NAME/ADDRESS	AGE	ENDORSEMENTS/CONVICTIONS
Mr Clayton Wayne Jones 574 Gower Road Upper Killay Swansea SA2 7DR	53 Yrs	<p><u>SWANSEA COUNTY MAGISTRATES</u> <u>Date of Conviction – 30TH September 2010</u></p> <ol style="list-style-type: none"> 1. Possess Goods With False Trade Mark For Sale Or Hire On 20th May 2009 Trade Marks Act 1994 S.92(1)(C) + S.92(6) Fine £600.00 Victim Surcharge £15.00 Costs £2304.00 2. Possess Goods With False Trade Mark For Sale Or Hire On 20th May 2009 Trade Marks Act 1994 S.92(1)(C) + S.92(6) Fine £600.00 3. Possess Goods With False Trade Mark For Sale Or Hire On 20th May 2009 Trade Marks Act 1994 S.92(1)(C) + S.92(6) Fine £600.00

		<p>4. Possess Goods With False Trade Mark For Sale Or Hire On 20th May 2009 Trade Marks Act 1994 S.92(1)(C) + S.92(6) Fine £600.00</p> <p>5. Possess Goods With False Trade Mark For Sale Or Hire On 20th May 2009 Trade Marks Act 1994 S.92(1)(C) + S.92(6) Fine £600.00</p>
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Current Application

3. Mr Jones declared his convictions as required on his application form and has submitted a satisfactory Group II medical certificate.
4. South Wales Police have not been able to supply any information in respect of Mr Jones' conviction.
5. **Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 states:**

Qualifications for drivers of hackney carriages.

Notwithstanding anything in the Act of 1847, a district council shall not grant a licence to drive a hackney carriage—

(a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence; or

(b) to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of the application for a driver's licence so authorised.

(1A) For the purposes of subsection (1) of this section a person is authorised to drive a motor car if—

he holds a licence granted under Part III of the Road Traffic Act 1988 (not being a provisional licence) authorising him to drive a motor car,
or

(b) he is authorised by virtue of section 99A(1) or section 109(1) of that

Act to drive in Great Britain a motor car.

- (2) Any applicant aggrieved by the refusal of a district council to grant a driver's licence on the ground that he is not a fit and proper person to hold such licence may appeal to a magistrate's court.

6. **Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 states:**

- “(1) Subject to the provisions of this Part of this Act, a district council shall on receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence:

Provided that a district council shall not grant a licence –

- (a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence; or
- (b) to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of the application for a driver's licence so authorised.”

- (1B) For the purposes of subsection (1) of this section a person is authorised to drive a motor car if—

- (a) he holds a licence granted under Part III of the Road Traffic Act 1988 (not being a provisional licence) authorising him to drive a motor car, or
- (b) he is authorised by virtue of section 99A(1) or section 109(1) of that Act to drive in Great Britain a motor car.

7. **Section 52 states:**

“Any person aggrieved by

- (1) the refusal of the district council to grant a driver's licence under Section 51 of this Act; or
- (2) any conditions attached to the grant of a driver's licence; may appeal to a magistrates' court.”

The Licensing Committee's instructions are requested.

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

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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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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