

DINAS A SIR ABERTAWE

HYSBYSIAD O GYFARFOD

Fe'ch gwahoddir i gyfarfod

PWYLLGOR TRWYDDEDU CYFFREDINOL

Lleoliad: Ystafell Bwyllgor 3A, Neuadd y Ddinas, Abertawe

Dyddiad: Dydd Gwener, 12 Chwefror 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.swansea.gov.uk/disclosuresofinterests
- 3 **Cofnodion.** 1 - 3
Cymeradwyo a llofnodi cofnodion y cyfarfod(ydd) blaenorol fel cofnod cywir
- 4 **Deddf Cyfrifoldebau Heddluoedd Trefol 1847 - Cais am roi Trwydded Gyrrwr Cerbyd Hacni - Neil Gallagher.** 4 - 7
- 5 **Gwahardd y cyhoedd.** 8 - 11
- 6 **Deddf Cyfrifoldebau Heddluoedd Trefol 1847 - Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976 - Cais am drwydded yrru cerbyd hacni a hurio preifat - MSB.** 12 - 16
- 7 **Deddf Cyfrifoldebau Heddluoedd Trefol 1847 - Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976 - Cais am drwydded yrru cerbyd hacni a hurio preifat gyfyngedig- AJW.** 17 - 22
- 8 **Deddf Cyfrifoldebau Heddluoedd Trefol 1847 - Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976 - Trwydded yrru cerbyd hacni a hurio preifat - DJD.** 23 - 27

- 9 Deddf Cyfrifoldebau Heddluoedd Trefol 1847 - Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976 - Adran 55 - Cais am drwydded gweithredwr hurio preifat - DJD. 28 - 31

Cyfarfod Nesaf: Dydd Gwener, 11 Mawrth 2016 ar 10.00 am



Patrick Arran
Pennaeth Gwasanaethau Cyfreithiol a Democrataidd
Dydd Mawrth, 9 Chwefror 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, 8
JANUARY 2016 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	H M Morris
A M Cook	P Lloyd (From minute no.	C L Philpott
J P Curtice	89)	T H Rees

Officers:

L Anthony	-	Divisional Licensing Officer
A Gruffydd	-	Lawyer
K Thomas	-	Licensing Officer
S Woon	-	Democratic Services Officer

83 **APOLOGIES FOR ABSENCE.**

No apologies for absence were received.

84 **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 No. Equality Act 2010 – Passengers in Wheelchairs – Request for an Exemption Certificate – MAJ – Applicant is known to me.
Councillor V M Evans left the meeting prior to consideration of the item.

85 **MINUTES.**

RESOLVED that the minutes of the General Licensing Committee held on 11 December 2015, be agreed as a correct record.

86 **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)

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

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

Members' asked questions of the Officers and MAJ who responded accordingly.

RESOLVED that MAJ's application for an exemption from carrying wheelchair users in MAJ's hackney carriage vehicle **BE APPROVED** for a period of 12 months.

88 **EQUALITY ACT 2010 - PASSENGERS IN WHEELCHAIRS - REQUEST FOR AN EXEMPTION CERTIFICATE - KE.**

The Divisional Officer, Licensing, Food & Safety, reported on the request from KE for an exemption certificate from carrying wheelchairs.

Members' asked questions of KE who responded accordingly.

RESOLVED that KE's application for an exemption from carrying wheelchair users in KE's hackney carriage vehicle **BE APPROVED** for a period of 12 months.

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

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

CWJ outlined the background details and circumstances relating to the convictions and answered Members' questions.

RESOLVED that CWJ's application for a Hackney Carriage and Private Hire Driver's Licence be **BE APPROVED**.

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

The Divisional Officer, Licensing, Food & Safety advised that JJBT had requested a deferment of consideration of the matter due to ill-health.

RESOLVED that consideration of JJBT's application **BE DEFERRED** until JJBT is declared fit to work.

OPEN SESSION

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

The Divisional Officer, Licensing, Food & Safety reported that an application for the grant of a hackney carriage vehicle licence had been received from Mr Patwal. The vehicle was a black Mercedes Vito Registration Mark DF55 CCV and was capable of carrying 7 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.

Members asked questions of the Officer who responded accordingly.

Members asked questions of Mr Patwal who responded accordingly.

RESOLVED that the application made by Mr Patwal for a Hackney Carriage Vehicle Licence in respect of the Mercedes Vito vehicle registration mark DF55 CCV be **GRANTED**.

[Members' discussed the benefits of delegating decisions of this matter to Licensing Officers and following agreement from the Committee it was agreed that the issue be referred to the Development Cabinet Advisory Committee for consideration].

The meeting ended at 11.00 am

CHAIR

Agenda Item 4

REPORT OF THE DIVISIONAL OFFICER
LICENSING, FOOD & SAFETY
GENERAL LICENSING COMMITTEE - 12 FEBRUARY 2016

TOWN POLICE CLAUSES ACT 1847
APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE VEHICLE
LICENCE, REGISTRATION MARK CY10 MYK
MR NEIL GALLAGHER

1. **INTRODUCTION**

- 1.1 An application for the grant of a hackney carriage vehicle licence has been received from Mr Gallagher. The vehicle is a black Ford Tourneo Registration Mark CY10 MYK and is capable of carrying 8 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 The vehicle was first registered on the 30th June 2010 and is therefore 5 years and 7 months old.

3. **CURRENT APPLICATION**

- 3.1 On 7th January 2016 Mr Gallagher requested that the Licensing Division inspect a black Ford Tourneo, vehicle registration mark CY10 MYK with a view to licensing the vehicle as a hackney carriage.
- 3.2 On 14th January 2016 the vehicle attended CTU for inspection. The vehicle passed the inspection and the mileage recorded at this time was 159,115 miles.

4. **THE VEHICLE HISTORY**

- 4.1 Mr Gallagher has provided a part service history for the vehicle and an up to date vehicle history check.

- 4.2 The available MOT history check for the vehicle registration CY10 MYK is as follows:

DATE OF MOT	RECORDED MILEAGE
26th June 2013	73,248 miles
24th June 2014	112,890 miles
14th July 2015	156,160 miles

5. **CURRENT CONSIDERATIONS**

- 5.1 As the vehicle has passed the council's inspections, Members are asked to consider whether the Ford Tourneo, vehicle registration mark CY10 MYK 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 Gallagher, Members determine whether to:

- i) grant the application made by Mr Gallagher for a hackney carriage vehicle licence in respect of the Ford Tourneo, vehicle registration mark CY10 MYK; or
- ii) refuse the application made by Mr Gallagher for a hackney carriage vehicle licence in respect of the Ford Tourneo vehicle registration mark CY10 MYK giving full reasons for this decision.

The Licensing Committee's instructions are requested.

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

Agenda Item 5

Report of the Head of Legal & Democratic Services

General Licensing Committee – 12 February 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, 18 of Schedule 12A
of the Local Government Act 1972
as amended by the Local Government (Access to
Information) (Variation) (Wales) Order 2007.

Document is Restricted

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.

Document is Restricted

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.

Document is Restricted

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.

Document is Restricted

Agenda Item 8

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.

Document is Restricted

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.

Document is Restricted