

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE GENERAL LICENSING COMMITTEE

HELD AT COMMITTEE ROOM 1, CIVIC CENTRE, SWANSEA ON  
FRIDAY, 21 AUGUST 2015 AT 10.00 AM

**PRESENT:** Councillor P M Matthews (Chair) Presided

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

#### **Officers:**

L Anthony	-	Divisional Licensing Officer
R Jenkins	-	Licensing Officer
L Thomas	-	Senior Lawyer
G James	-	Fleet Engineer, Environment
D Picken	-	Divisional Trading Standards Officer
I McCaffery	-	Licensing Officer - Trading Standards
J Parkhouse	-	Democratic Services Officer

#### 32 **APOLOGIES FOR ABSENCE.**

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

#### 33 **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. 34 - I know the applicant - personal and prejudicial and left the meeting prior to discussions regarding this item.

Councillor P Lloyd - Minute No. 34 - I know the applicant - personal and prejudicial and left the meeting prior to discussions regarding this item.

#### 34 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENSE A RESTRICTED PRIVATE HIRE VEHICLE, RENAULT MASTER, REGISTRATION MARK - YK04 PRJ - MR L JONES.**

The Divisional Licensing Officer advised that an application to licence a restricted private hire vehicle had been received from Mr L Jones. The vehicle was a Renault Master, registration mark YK04 PRJ 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 and Mr Jones wished to use the restricted private hire vehicle, if licensed, for the purposes of school transport and airport transport only.

Members viewed the vehicle.

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 L Jones who responded accordingly.

**RESOLVED** that the application made by Mr L Jones for a restricted private hire vehicle licence in respect of the Renault Master, registration mark YK04 PRJ for the purposes of airport travel and school contracts **BE GRANTED** and that the licence be renewed on merit.

### 35 **USE OF TEMPORARY REPAIR KITS**

The Divisional Licensing Officer presented a report which requested the Committee considers authorising Licensing Officers to grant licenses for hackney carriage and private hire vehicles where they are manufactured without provision for a spare wheel or have been supplied without a spare wheel and are supplied with a temporary repair kit.

It was added that all licensed vehicles were required to have a spare wheel, including a skinny spare and a space saver spare or be fitted with run flat tyres. Many vehicles were now supplied with a tyre sealant and tyre inflation packs as an alternative to a spare wheel and in many of these cases, the customer does not have the choice of a spare wheel due to the configuration of design space of the model itself. Post puncture sealant products provided a temporary repair and were not considered as a permanent repair. The post- puncture sealant products also had a shelf life (marked on the containers), a date beyond which their effectiveness diminished.

Due to the changes being made by vehicle manufacturers, an increasing number of vehicles were being presented for licensing without a spare wheel. The Authority's Central Transport Unit had also advised that an increasing number of vehicles were being supplied without a spare wheel of any type and that temporary repair kits were being provided as an acceptable alternative temporary repair.

The Committee considered the information contained within the report.

**RESOLVED** that Officers of the Licensing Section be authorised to grant a vehicle licence for a vehicle provided with a temporary repair kit in place of a spare wheel, subject to the following conditions being attached to the licence:

- (i) vehicles approved for the use of a temporary repair kit in place of a spare wheel will be equipped with a repair kit at all times for use in accordance with the manufacturer's guidelines. Where the temporary

repair kit is used it shall immediately be replaced with another temporary repair kit;

- (ii) where a puncture does occur, proprietors and drivers shall seek alternative arrangements for continuation of the passenger's journey before utilising the temporary repair kit;
- (iii) vehicles that utilise a temporary repair kit in order to complete a hiring shall be used in accordance with the manufacturer's guidelines and not be used for any further hiring until the wheel or tyre had been replaced;
- (iv) vehicle proprietors of vehicles that utilise a temporary repair kit will keep a record of the date and time the repair kit was last used in the vehicle at all times and will obtain and retain evidence that the wheel or tyre had been replaced. Such information will be readily available for Officers upon request.

36 **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.

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

**(CLOSED SESSION)**

37 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - RENEWAL OF RESTRICTED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENSE - LICENCE NUMBER 8099 - ASO**

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

ASO, accompanied by Mr L Jones outlined the background details and circumstances in relation to the offences and answered members' questions.

**RESOLVED** that ASO's application to renew a restricted hackney carriage and private hire driver's licence **BE APPROVED** and ASO be issued with a final warning letter setting out the standards expected of hackney carriage and private hire drivers licensed with the City and County of Swansea in relation to future conduct.

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

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

JLF outlined the background details and circumstances relating to the offences and answered members' questions.

**RESOLVED** that JLF's application for a hackney carriage and private hire driver's licence **BE APPROVED** and JLF be issued with a warning letter setting out the standards expected of hackney carriage and private hire drivers licensed with the City and County of Swansea in relation to future conduct.

39 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 -  
SCHEDULE 4 - GS.**

The Divisional Licensing Officer, Trading Standards, detailed the background information in respect of GS.

Members asked questions of the Officer who responded accordingly.

GS outlined the background details and circumstances outlined in the report and answered Members' questions.

**RESOLVED** that GS's Outer Zone Street Trading Consent **BE REVOKED**.

**Reason**

The Committee found GS was an experienced trader with good knowledge of the regime and conditions to be complied with.

The Committee noted GS was granted the current consent affording him an opportunity to demonstrate he could comply but breaches occurred almost as soon as the new consent was granted.

GS had received letters and attended meetings and agreed to discipline the employee, but allowed further incidents to occur as outlined in the report.

The Committee felt every opportunity had been afforded to GS by Officers to adhere to the terms of this and previous consents and manage employees, but GS had failed to do so.

The Committee were therefore not satisfied going forward that GS would comply with the consent.

The meeting ended at 11.30 am

**CHAIR**