

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 Gorffennaf 2016

Amser: 10.00 am

AGENDA

Rhif y Dudalen.

- 1 Ymddiheuriadau am absenoldeb.
- 2 Derbyn datgeliadau o fuddiannau personol a rhagfarnol.
www.swansea.gov.uk/disclosuresofinterests
- 3 **Cofnodion:** 1 - 9
To approve & sign the Minutes of the previous meeting(s) as a correct record.
- 4 **Gwahardd y cyhoedd.** 10 - 13
- 5 **Deddf Cyfrifoldebau Heddluoedd Tref 1847 - Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976 - Cais am Drwydded Cerbyd Hacni a Gyrrwr Hurio Preifat - MGRL.** 14 - 19
- 6 **Deddf Cyfrifoldebau Heddluoedd Tref 1847 - Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976 - Cais am Drwydded Cerbyd Hacni a Gyrrwr Hurio Preifat - PJCT.** 20 - 36
- 7 **Deddf Cyfrifoldebau Heddluoedd Tref 1847 - Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976 - Cais am Drwydded Cerbyd Hacni a Gyrrwr Hurio Preifat - SH.** 37 - 40
- 8 **Deddf Cyfrifoldebau Heddluoedd Tref 1847 - Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976 - Cais am Drwydded Cerbyd Hacni a Gyrrwr Hurio Preifat - SMC.** 41 - 46
- 9 **Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1982 - Atodlen 4 - GS.** 47 - 63



Patrick Arran

Pennaeth Gwasanaethau Cyfreithiol a Democrataidd

Dydd Iau, 30 Mehefin 2016

Cyswllt: Gwasanaethau Democrataidd - Ffon: (01792) 636923

CITY AND COUNTY OF SWANSEA

MINUTES OF THE SPECIAL GENERAL LICENSING COMMITTEE

HELD AT COMMITTEE ROOM 3A, GUILDHALL, SWANSEA ON FRIDAY,
27 MAY 2016 AT 10.00 AM

PRESENT: Councillor P M Matthews (Chair) Presided

Councillor(s)

A C S Colburn

J P Curtice

K E Marsh

Councillor(s)

D W Cole

P Downing

H M Morris

Councillor(s)

A M Cook

P Lloyd

T H Rees

Officer(s)

L Anthony

A Gruffydd

R Jenkins

S Woon

Divisional Officer, Licensing, Food & Safety

Lawyer

Licensing Officer

Democratic Services Officer

6 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors V M Evans and C L Philpott.

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 declared.

8 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE, AUDI A4 (HF51 RGX) - MR M BENJAMIN.**

The Divisional Officer, Licensing, Food and Safety advised that an application to licence a restricted private hire vehicle had been received from Mr M Benjamin. The vehicle was an Audi A4, registration mark HF51 RGX 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 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 the Officer and Mr Benjamin who responded accordingly.

RESOLVED that the application made by Mr M Benjamin for a private hire vehicle licence in respect of the Audi A4, registration mark HF51 RGX **BE APPROVED** and renewed on merit.

9 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE - ROVER 45 (VA54 KXT) - MR M BENJAMIN.**

The Divisional Officer, Licensing, Food and Safety advised that an application to licence a restricted private hire vehicle had been received from Mr M Benjamin. The vehicle was a Rover 45, registration mark VA54 KXT 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 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 the Officer and Mr Benjamin who responded accordingly.

RESOLVED that the application made by Mr M Benjamin for a private hire vehicle licence in respect of the Rover 45, registration mark VA54 KXT **BE APPROVED** and renewed on merit.

10 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE - SKODA OCTAVIA (Y721 RRP) - MR M BENJAMIN.**

The Divisional Officer, Licensing, Food and Safety advised that an application to licence a restricted private hire vehicle had been received from Mr M Benjamin. The vehicle was a Skoda Octavia, registration mark Y721 RRP 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 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 the Officer and Mr Benjamin who responded accordingly.

RESOLVED that the application made by Mr M Benjamin for a private hire vehicle licence in respect of the Skoda Octavia, registration mark Y721 RRP **BE APPROVED** and renewed on merit.

11 **REQUEST FOR AUTHORISATION TO GRANT VEHICLE APPLICATIONS
OUTSIDE OF CURRENT AGE CRITERIA.**

The Divisional Officer, Licensing, Food and Safety, presented a report which sought approval for Officers of the Licensing Section to be authorised to grant vehicle applications outside of current age criteria.

Members noted the background and current position.

Members asked questions of the Officer who responded accordingly.

RESOLVED that:

- a) Officers of the Licensing Section be authorised to grant vehicle licences in respect of vehicle applications that do not comply with the Council's current age criteria for licensing vehicles subject to the vehicle meeting all other relevant application/licensing criteria; and
- b) The Chair meet with Cain Swain in order to seek clarification in respect of breakdown procedures when children are being transported to and from school and report back to the Committee.

The meeting ended at 10.18 am

CHAIR

CITY AND COUNTY OF SWANSEA

MINUTES OF THE SPECIAL GENERAL LICENSING COMMITTEE

HELD AT COMMITTEE ROOM 1, CIVIC CENTRE, SWANSEA ON
FRIDAY, 3 JUNE 2016 AT 10.00 AM

PRESENT: Councillor P M Matthews (Chair) Presided

Councillor(s)

A C S Colburn
P Downing
K E Marsh
T H Rees

Councillor(s)

D W Cole
V M Evans
H M Morris

Councillor(s)

A M Cook
P Lloyd
C L Philpott

Officer(s)

Lynda Anthony
Aled Gruffydd
Kath Thomas
Jeremy Parkhouse

Divisional Officer, Food Safety & Licensing
Senior Lawyer
Licensing Officer
Democratic Services Officer

Apologies for Absence

Councillor(s): J P Curtice

12 **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.

13 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE - FORD GALAXY (PX06 CTF) - MR D JONES.**

The Divisional Officer, Licensing, Food and Safety advised that the report in respect of the application to licence a restricted private hire vehicle had been withdrawn. The application was approved by officers following the decision by Members at the Licensing Committee on the 27th May 2016, to authorise officers of the Licensing Section to grant vehicle licences in respect of vehicle applications that do not comply with the Council's current age criteria for licensing vehicles, subject to the vehicle meeting all other relevant application/licensing criteria.

14 **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)

15 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1976 - HACKNEY CARRIAGE AND
PRIVATE HIRE DRIVERS LICENCE - CIS.**

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

Members asked questions of the Divisional Officer, Licensing, Food & Safety who responded accordingly.

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

RESOLVED that CIS's application to renew his hackney carriage and private hire driver's licence **BE APPROVED** and CIS be issued with a warning letter regarding future conduct.

16 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1976 - HACKNEY CARRIAGE AND
PRIVATE HIRE DRIVERS LICENCE - WMP.**

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

WMP and his representative Mr Warren, outlined the background details and circumstances relating to the convictions and caution and answered Members' questions.

RESOLVED that WMP's hackney carriage and private hire driver's licence **BE REVOKED**.

Reason for Decision

Members were not satisfied that WMP was a Fit and Proper Person to hold a licence. Although they felt that the version of events provided to the Police by WMP was the correct version, WMP had either been dishonest with the Police or with the General Licensing Committee and so dishonesty had been present. Members believed that there had been a pattern of dishonesty with regard to previous offences which resulted in a previous suspension of WMP's hackney carriage and private hire driver licences. However, this had not been heeded.

17 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - DUAL
BADGE DRIVER - OSSE.**

The Divisional Officer, Licensing, Food and Safety, advised that OSSE had failed to attend the meeting.

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

RESOLVED that:

- a. The matter be dealt with in OSSE's absence as there had been no explanation for OSSE's non-attendance;
- b. OSSE's hackney carriage and private hire driver licences be renewed and that OSSE be issued with a warning letter regarding future conduct.

The meeting ended at 11.20 am

CHAIR

CITY AND COUNTY OF SWANSEA

MINUTES OF THE GENERAL LICENSING COMMITTEE

HELD AT COUNCIL CHAMBER, GUILDHALL, SWANSEA ON FRIDAY,
10 JUNE 2016 AT 10.00 AM

PRESENT: Councillor P M Matthews (Chair) Presided

Councillor(s)

A C S Colburn

P Downing

H M Morris

Councillor(s)

D W Cole

V M Evans

C L Philpott

Councillor(s)

A M Cook

K E Marsh

Officer(s)

L Anthony

A Gruffydd

K Thomas

S Woon

Divisional Officer, Licensing, Food & Safety

Lawyer

Licensing Officer

Democratic Services Officer

18 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors J P Curtice, P Lloyd and T H Rees.

19 **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.

20 **MINUTES:**

RESOLVED that the minutes of the:

- a) General Licensing Committee held on 13 May 2016;
- b) General Licensing Sub Committee held on 18 May 2016; and
- c) General Licensing Committee held on 19 May 2016

Be **approved** as correct records.

21 **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)

22 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR THE GRANT
OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - LS**

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

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

RESOLVED that LS's application for the grant of a hackney carriage and private hire driver's licence **BE REFUSED**.

Reason for Decision

Members did not consider LS to be a fit and proper person to hold a hackney carriage and private hire driver's licence as he had not satisfied the Council's guidelines in relation to 3 years free from convictions. Additionally, the convictions had occurred over a sustained period of time and were planned.

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

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

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

RESOLVED that TA's hackney carriage and private hire driver's licence **BE REVOKED**.

Reason for Decision

Members did not consider TA to be a fit and proper person to hold a hackney carriage and private hire driver's licence for the following reasons:

- a) TA had admitted driving a taxi when the offences were committed;
- b) TA had previously been issued with two warnings regarding future conduct, these had not been heeded;
- c) TA had failed to advise the Licensing Authority of the additional points; and

- d) The number of speeding offences resulting in 10 penalty points within 4 months, along with failure to notify indicate a disregard of obligations to comply with legal requirements.

The meeting ended at 10.48 am

CHAIR

Agenda Item 4

Report of the Head of Legal & Democratic Services

General Licensing Committee – 8 July 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
	5, 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 5

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 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

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 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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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

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