

# CITY AND COUNTY OF SWANSEA

## MINUTES OF THE GENERAL LICENSING COMMITTEE

HELD AT COUNCIL CHAMBER, GUILDHALL, SWANSEA ON FRIDAY, 9  
DECEMBER 2016 AT 10.00 AM

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

**Councillor(s)**

C Anderson

P Downing

H M Morris

**Councillor(s)**

A C S Colburn

P Lloyd

C L Philpott

**Councillor(s)**

A M Cook

K E Marsh

T H Rees

**Officer(s)**

L Anthony

R Jenkins

Y Lewis

L Thomas

S Woon

Divisional Officer, Licensing, Food & Safety

Licensing Officer

Licensing Officer

Senior Lawyer

Democratic Services Officer

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

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interest was declared:

Councillor C Anderson – Personal – Minute No. 66 – Local Government (Miscellaneous Provisions) Act 1976 – Dual Badge Driver – Hackney Carriage Vehicle Proprietor – PMD – PMD is known to me. Councillor C Anderson left the meeting prior to consideration of this item.

62 **MINUTES:**

**RESOLVED** that the minutes of the General Licensing Committee held on 11 November, 2016 be agreed as a correct record.

63 **IMMIGRATION ACT 2016 - CHANGES TO TAXI AND PRIVATE HIRE  
LEGISLATION AND FEES.**

The Divisional Officer, Licensing, Food & Safety, presented a report regarding implications the Immigration Act 2016 (the Act) will have for licensing authorities, applicants for hackney carriage and private hire driver licences and to seek approval for a fee for a 6 month hackney carriage and private hire driver's licence.

Members noted the Immigration Act 2016; the new duties for licensing authorities; implications and proposed fees.

Members asked questions of the Officer who responded accordingly.

**RESOLVED** that the proposed fee levels outlined in paragraph 6 be **APPROVED** with immediate effect.

64 **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)**

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

The Divisional Officer, Licensing, Food & Safety reported that AB had requested a deferment due to ill-health.

**RESOLVED** that consideration of AB's application for the grant of a Restricted Hackney Carriage and Private Hire Driver's Licence be **DEFERRED** to a future meeting.

66 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - DUAL BADGE DRIVER - HACKNEY CARRIAGE VEHICLE PROPRIETOR - PMD.**

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

PMD explained the circumstances of endorsement and answered Members questions.

**RESOLVED** that PMD be issued with a warning letter and no further action be taken in respect of PMD's hackney carriage vehicle licence HC6042.

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

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

CTP accompanied by JB, explained the circumstances of endorsement and conviction and answered Members questions.

**RESOLVED** that CTP's application for the grant of a Restricted Hackney Carriage and Private Hire Driver's Licence be **APPROVED**.

68 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - DUAL BADGE DRIVER - JMP.**

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

JMP accompanied by CE explained the circumstances of conviction and answered Members questions.

The Lawyer advising the Committee read character references in respect of JMP.

Members asked questions of the Officers who responded accordingly.

**RESOLVED** that JMP's Hackney Carriage and Private Hire Driver Licences are **NOT RENEWED**.

**Reason for Decision**

JMP admitted that he had committed a further speeding offence in 2012 for which he attended a speed awareness course. The Committee recognised that JMP had no obligation to inform the Licensing Section of his attending at the speed awareness course. However, further speeding offences had been committed and JMP had received warning letters with this regard. JMP was aware of the need to inform the Authority regarding speeding offences but failed to do so.

The Committee were concerned over the safety of the travelling public because JMP was carrying members of the public when speeding. Members were concerned regarding JMP's admission that he was tired and distracted prior to one of the speeding offences and on another occasion, despite poor driving conditions, had committed a speeding offence.

The Committee recognised that they have departed from their guidelines, however, they did have serious concerns that JMP was not acting out of character and the speeding offences would be repeated.

69 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - DUAL BADGE DRIVER - APB.**

The Divisional Officer, Licensing, Food & Safety stated that APB had failed to attend the meeting. It was confirmed no request for a deferral had been received from APB.

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

Members asked questions of the Officers who responded accordingly.

**RESOLVED** that:

1. The matter be dealt with in APB's absence; and
2. APB's Hackney Carriage and Private Hire Driver's Licence be **REVOKED**.

**Reason for Decision**

APB had failed to attend the meeting so could not satisfy Members that he was a fit and proper person.

The Committee were not satisfied that APB was acting out of character and that the safety of the traveling public would not be put at risk having regard to the contents of the report.

The meeting ended at 11.33 am

**CHAIR**