

CITY AND COUNTY OF SWANSEA

MINUTES OF THE GENERAL LICENSING COMMITTEE

HELD AT COUNCIL CHAMBER, GUILDHALL, SWANSEA ON FRIDAY,
10 FEBRUARY 2017 AT 10.00 AM

PRESENT: Councillor P M Matthews (Chair) Presided

Councillor(s)

C Anderson
J P Curtice
K E Marsh
T H Rees

Councillor(s)

A C S Colburn
P Downing
H M Morris

Councillor(s)

A M Cook
V M Evans
C L Philpott

Officer(s)

B Gilbert	Senior Transport Officer
R Jones	School Transport Officer
R Jenkins	Licensing Officer
Y Lewis	Senior Licensing Officer
L Thomas	Senior Lawyer
S Woon	Democratic Services Officer

Apologies for Absence

Councillor(s): P Lloyd

78 **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 C Anderson – Personal & Prejudicial – Minute No. – Equality Act 2010 – Passengers in Wheelchairs – Request for an Exemption Certificate – WCS – I know the person. Councillor C Anderson left the meeting prior to consideration of this item.

Councillor C Anderson – Personal & Prejudicial – Minute No. – Local Government (Miscellaneous Provisions) Act 1976 – Dual Badge Driver - DJM – I know the person. Councillor C Anderson left the meeting prior to consideration of this item.

Councillor V M Evans – Personal & Prejudicial – Minute No. – Local Government (Miscellaneous Provisions) Act 1976 – Dual Badge Driver - DJM – I am aware of the applicant. Councillor V M Evans left the meeting prior to consideration of this item.

79 **MINUTES:**

RESOLVED that the minutes of the General Licensing Committee held on 13 January, 2017 be agreed as a correct record.

80 **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)

81 **APPEAL AGAINST DECISION NOT TO APPROVE AS A DRIVER FOR HOME TO SCHOOL TRANSPORT - MJW.**

The Senior Transport Officer, detailed the background in respect of MJW and answered Members questions.

MJW explained the circumstances of the convictions and answered Members questions.

RESOLVED that MJW's appeal be **DISMISSED**.

Reason for Decision

The Committee had regard to 2008 Measure as to the requirement to provide suitable transport arrangements.

The Committee noted MJW's email but could only deal with it on the merits of his appeal and could not take other persons circumstances into consideration.

No expansion of convictions in 2013 were given by MJW in mitigation.

There was a clear pattern of offending with reoffending after 3 – 4 years .Only 3 years and 6 months since the last offence and the pattern shows reoffending after 4 years. The Committee decided to not apply guidelines and seek a longer period of no offending than 3 years to ensure going forward MJW will not reoffend.

MJW also indicated he had only abstained from alcohol for 3 years therefore the Committee wanted to see longer period to be sure he would meet the criteria required.

Approval sought could put MJW in difficult circumstances and whilst it was noted that MJW had attended an anger management course the Committee were not satisfied

having heard from MJW would be able to deal with issues appropriately although noted MJW was driving for Bridgend without any issues according to MJW.

82 **EQUALITY ACT 2010 - PASSENGERS IN WHEELCHAIRS - REQUEST FOR AN EXEMPTION CERTIFICATE - WCS.**

The Senior Licensing Officer detailed the background in respect of WCS and answered Members questions.

WCS outlined the circumstances of the request and answered Members' questions.

RESOLVED that WCS request be **APPROVED**.

83 **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 - HF.**

HF failed to attend the meeting and the Committee resolved to deal with it in his absence.

The Senior Licensing Officer detailed the background in respect of HF and answered Members questions.

RESOLVED that:

1. The matter be dealt with in HF's absence;
2. HF's application for the Grant of a Restricted Hackney Carriage and Private Hire Driver's Licence be **APPROVED Subject to a written warning being issued addressing the standards expected of licensed drivers.**

84 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - DUAL BADGE DRIVER - DJM.**

The Senior Licensing Officer advised the Committee that DJM had written a letter advising he was unable to attend the meeting and offered mitigation for Members' consideration.

The Senior Licensing Officer detailed the background in relation to DJM and answered Members questions.

RESOLVED that;

1. The matter be dealt with in DJM's absence;
2. Renewal of DJM's Hackney Carriage and Private Hire Driver Licences be **REFUSED under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976;**
3. No further action be taken in respect of the restricted private hire vehicle, hackney carriage vehicles and private hire vehicles held by DJM.

Reason for Decision

The Committee felt that DJM had held a licence with the Authority for a considerable time and would therefore know the conditions and byelaws that applied. Also in January 2016, DJM had been sent a warning letter regarding his failure to inform the Authority of the June July and August convictions. DJM having had that warning letter then failed to inform the Authority of the March 2016 conviction which demonstrated a total disregard to the procedures.

As he had committed four speeding offences in four months the Committee were not satisfied DJM was acting out of character and would pose a threat to the safety of the travelling public. The Committee noted the magistrates had taken DJM's personal circumstances into account when deciding not to take away his licence having accrued 12 penalty points but the Committee could not take that into account when considering whether he was fit and proper to hold a licence.

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

The Senior Licensing Officer detailed the background in respect of CTH and answered Members questions.

CTH, accompanied by Mr Warren, Solicitor, outlined the circumstances of the endorsements/convictions and answered Members' questions.

The Lawyer advising the Committee read out references in support of CTH's application and a certificate submitted by Mr Warren.

RESOLVED that CTH's application for a Hackney Carriage and Private Hire Driver's Licence be **REFUSED** under **Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976**

Reason for Decision

The Committee were not satisfied by CTH he was a fit and proper person on the basis only 16 months had elapsed since his licence had been restored and the Committee was of the opinion that there had been no significant change since 2016. CTH had failed to disclose the nature of the offence committed in March 2015 which led to the last totting up offence. As there was no evidence before the Committee as to the nature of the last offence and whether it was another minor or major traffic offence the Committee were unable to consider the appropriate guideline to apply in order to ensure the safety of the travelling public.

The meeting ended at 11.46 am

CHAIR