

CITY AND COUNTY OF SWANSEA

NOTICE OF MEETING

You are invited to attend a Meeting of the

GENERAL LICENSING COMMITTEE

At: Council Chamber, Guildhall, Swansea

On: Friday, 11 August 2017

Time: 10.00 am

Chair: Councillor Penny Matthews

Membership:

Councillors: C Anderson, J P Curtice, P Downing, V M Evans, S J Gallagher, P Lloyd, H M Morris, C L Philpott, B J Rowlands, L G Thomas and L V Walton

AGENDA

Page No.

- 1 **Apologies for Absence.**
- 2 **To receive Disclosures of Personal & Prejudicial Interests from Members.**
www.swansea.gov.uk/disclosuresofinterests
- 3 **Minutes:** 1 - 4
To approve & sign the Minutes of the previous meeting(s) as a correct record.
- 4 **Exclusion of the Public.** 5 - 8
- 5 **Town Police Clauses Act 1847 - Local Government (Miscellaneous Provisions) Act 1976 - Dual Badge Driver - TJH.** 9 - 15
- 6 **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 - PJCT.** 16 - 23
- 7 **Town Police Clauses Act 1847 - Local Government (Miscellaneous Provisions) Act 1976 - Application for a Hackney Carriage and Private Hire Driver's Licence - AJR.** 24 - 47

Next Meeting: Friday, 8 September 2017 at 10.00 am

Huw Evans

Huw Evans

Head of Democratic Services

Thursday, 3 August 2017

Contact: Democratic Services - Tel: (01792) 636923

CITY AND COUNTY OF SWANSEA

MINUTES OF THE GENERAL LICENSING COMMITTEE

HELD AT COUNCIL CHAMBER, CIVIC CENTRE, SWANSEA ON
FRIDAY, 14 JULY 2017 AT 10.00 AM

PRESENT: Councillor P M Matthews (Chair) Presided

Councillor(s)

P Downing
P Lloyd
L V Walton

Councillor(s)

V M Evans
C L Philpott

Councillor(s)

S J Gallagher
B J Rowlands

Officer(s)

Lynda Anthony
Gareth Borsden
Aled Gruffydd
Kath Thomas

Divisional Officer, Licensing, Food and Safety
Democratic Services Officer
Lawyer
Licensing Officer

Apologies for Absence

Councillor(s): C Anderson, J P Curtice, H M Morris and L G Thomas

22 **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.

23 **MINUTES.**

RESOLVED that the minutes of the General Licensing Committees held on 16 June, 2017 and 30 June, 2017 be agreed as a correct records.

24 **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)

25 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS ACT 1976) - DUAL
BADGE DRIVER - SJH.**

The Divisional Officer, Licensing, Food & Safety, detailed the background in respect of SJH and answered Members' questions relating to the deferment at the 16 June meeting relating to SJH's medical condition. She indicated that his licence had been temporarily suspended following that meeting whilst information was sought from his GP regarding his fitness to drive vehicles, this confirmation had since been received from his GP and his suspension lifted.

SJH explained the circumstances of his medical condition and answered Member's questions relating to his conviction.

RESOLVED that SJH be issued with a warning letter regarding future conduct.

26 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS ACT 1976) - DUAL
BADGE DRIVER - CIS.**

The Divisional Officer, Licensing, Food & Safety, detailed the background in respect of CIS and answered Members' questions.

CIS explained the circumstances of his convictions and answered Member's questions relating to the offences.

RESOLVED that CIS's Dual badge licence be suspended for 4 weeks.

Reason for Decision

The Licensing committee applied the guidelines in relation to traffic offences

- a previous warning has already be given with regards to speeding,
- the offence was committed within 3 months of the previous warning being given,
- the severity of the offence may not have been fully appreciated by the applicant,
- a further warning is unlikely to have been heeded therefore a suspension is warranted.

27 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS ACT 1976) - APPLICATION FOR THE GRANT
OF A RESTRICTED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS
LICENCE - LLS.**

The Divisional Officer, Licensing, Food & Safety, detailed the background in respect of LLS and answered Members' questions.

LLS explained the circumstances of the caution and answered Member's questions.

RESOLVED that LLS's application for the grant of a restricted hackney carriage and private hire drivers licence be **APPROVED** under sections 51 & 59 of the Local Government (Miscellaneous Provisions) Act 1976 and LLS be issued with a warning letter regarding future conduct.

28 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS ACT 1976) - NM.**

The Divisional Officer, Licensing, Food & Safety outlined that NM was not in attendance, but had indicated that he was happy for Committee to consider the matter in his absence. Members agreed to hear the matter in his absence.

She detailed the background in respect of NM convictions and the failure to inform the Authority of the offences and answered Members' questions.

RESOLVED that NM's Hackney Carriage and Private Hire Drivers licences be revoked.

Reason for Decision

The failed to comply with his licence conditions by failing to return a DVLA mandate as requested by licensing officers to allow them to conduct an annual check of his DVLA licence.

The applicant was not deemed a fit and proper person following his convictions for violence, and the applicant had previously been warned about any future conduct when his licence was granted in April 2016.

29 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS ACT 1976) - APPLICATION FOR THE GRANT
OF A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE - PTJ.**

The Divisional Officer, Licensing, Food & Safety, detailed the background in respect of PTJ and answered Members' questions.

PTJ explained the circumstances of his conviction and answered Member's questions.

RESOLVED that PTJ's application for the grant of a hackney carriage and private hire drivers licence be **APPROVED** under sections 51 & 59 of the Local Government (Miscellaneous Provisions) Act 1976 and PTJ be issued with a warning letter regarding future conduct.

30 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS ACT 1976) - DUAL
BADGE DRIVER - TJH.**

The Divisional Officer, Licensing, Food & Safety, detailed the background in respect of TJH's application for renewal of her hackney carriage and private hire driver's licences and answered Members' questions.

She provided details of TJH's previous appearances before the Licensing Committee and the Committee's decisions in respect of the matters considered. TJH had also received two written warnings for failing to declare previous motoring convictions in accordance with conditions of licence. TJH had however informed the Authority of the most recent offence for which she had received a fixed penalty ticket, on her renewal application.

TJH explained the circumstances of her offence and answered Member's questions relating to the matter.

RESOLVED that

- 1) TJH's Dual badge licence be suspended for 6 months.

Reason for Decision

The applicant has a history of failing to notify the licensing department of any convictions or breaches of the licence conditions, the applicant was given a number of previous warnings which were not heeded and the severity of the offence may not have been fully appreciated by the applicant.

- 2) That no action be taken regarding TJH's Private Hire Vehicle licence.

The meeting ended at 11.25 am

CHAIR

Report of the Head of Legal, Democratic Services & Business Intelligence

General Licensing Committee – 11 August 2017

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	12, 13 & 18
Report Author:	Democratic Services	
Finance Officer:	Not Applicable	
Legal Officer:	Tracey Meredith – Head of Legal, Democratic Services & Business Intelligence (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, Cabinet 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.

Appendices: Appendix A – Public Interest Test.

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. Their 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 they 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. Their 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 they 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. Their view on the public interest test was that:</p> <ul style="list-style-type: none"> a) Whilst they were 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 b) Disclosure of the information would give an unfair advantage to tenderers for commercial contracts. <p>This information is not affected by any other statutory provision which requires the information to be publicly registered.</p> <p>On that basis they 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>

No.	Relevant Paragraphs in Schedule 12A
15	<p>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.</p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 15 should apply. Their view on the public interest test was that whilst they are mindful of the need to ensure that transparency and accountability of public authority for decisions taken by them they were 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 they 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>
16	<p>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>
	<p>No public interest test.</p>
17	<p>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.</p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 17 should apply. Their 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 they 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>
18	<p>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 18 should apply. Their 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 they 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>

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

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 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.

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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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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 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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By virtue of paragraph(s) 12, 13, 18 of Schedule 12A
of the Local Government Act 1972
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Information) (Variation) (Wales) Order 2007.

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