



## 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, 8 December 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

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#### Agenda

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- |          |   |                |
|----------|---|----------------|
| <b>1</b> | <b>Apologies for Absence.</b>   |                |
| <b>2</b> | <b>Disclosures of Personal and Prejudicial Interest.</b><br><a href="http://www.swansea.gov.uk/disclosuresofinterests">www.swansea.gov.uk/disclosuresofinterests</a>                      |                |
| <b>3</b> | <b>Minutes.</b><br>To approve & sign the Minutes of the previous meeting(s) as a correct record.  | <b>1 - 3</b>   |
| <b>4</b> | <b>Result of Appeal.</b>  | <b>4</b>       |
| <b>5</b> | <b>Exclusion of the Public.</b>   | <b>5 - 8</b>   |
| <b>6</b> | <b>HMO Licensing - Housing Act 2004, Fit &amp; Proper Person Status - PA.</b>   | <b>9 - 15</b>  |
| <b>7</b> | <b>Town Police Clauses Act 1847 - Local Government (Miscellaneous Provisions) Act 1976 - Equality Act 2010 - Passengers in Wheelchairs - Request for an Exemption Certificate - SPL.</b>  | <b>16 - 20</b> |
| <b>8</b> | <b>Town Police Clauses Act 1847 - Local Government (Miscellaneous Provisions) Act 1976 - Equality Act 2010 - Passengers in Wheelchairs - Request for an Exemption Certificate - LAJC.</b> | <b>21 - 30</b> |
| <b>9</b> | <b>Town Police Clauses Act 1847 - Local Government (Miscellaneous Provisions) Act 1976 - Equality Act 2010 - Passengers in Wheelchairs - Request for an Exemption Certificate - AK.</b>   | <b>31 - 35</b> |

- |    |  |         |
|----|--|---------|
| 10 | 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 - FEB. | 36 - 47 |
| 11 | Town Police Clauses Act 1847 - Local Government (Miscellaneous Provisions) Act 1976 - Hackney Carriage and Private Hire Driver's Licence - DM.                                 | 48 - 53 |

**Next Meeting:** Friday, 12 January 2018 at 10.00 am

*Huw Evans*

**Huw Evans**  
**Head of Democratic Services**  
**Thursday, 30 November 2017**

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**Contact: Democratic Services - Tel: (01792) 636923**



City and County of Swansea

## Minutes of the **General Licensing Committee**

Council Chamber, Guildhall, Swansea - Guildhall, Swansea

Friday, 10 November 2017 at 10.00 am

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

**Councillor(s)**

C Anderson  
P Lloyd  
B J Rowlands

**Councillor(s)**

J P Curtice  
H M Morris  
L G Thomas

**Councillor(s)**

V M Evans  
C L Philpott  
L V Walton

**Officer(s)**

Lynda Anthony  
Gareth Borsden  
Barrie Gilbert  
Aled Gruffydd  
Yvonne Lewis  
Tim Mitchell

Divisional Officer, Licensing, Food and Safety  
Democratic Services Officer  
Senior Transport Officer  
Lawyer  
Team Leader, Licensing  
School Transport Officer

**Apologies for Absence**

Councillor(s): P Downing and S J Gallagher

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### 54 **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 P Lloyd – Personal – Minute No 59 – Hackney Carriage & Private Hire Driver - RVW - I know the person accompanying the complainant and left prior to discussion.

### 55 **Minutes.**

**Resolved** that the minutes of the General Licensing Committee held on 13 October be agreed as a correct record.

### 56 **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.

**Resolved** that the public be excluded for the following items of business.

**(Closed Session)**

**57 Appeal against decision to not approve as a Driver for Home to School Transport - CBB.**

The Senior Transport Officer detailed the background in respect of CBB's appeal against the decision of Officers to refuse his application for a licence to work as a driver on school contract transport services.

CBB accompanied by Mr T (Works Line Manager) explained the background and circumstances of his caution and answered the questions of Members relating to the incident.

**Resolved** that CBB's appeal against the decision not to approve him as a driver for home to school transport be allowed. A warning letter regarding his future conduct should also be sent.

**58 Town Police Clauses Act 1847 - Local Government (Miscellaneous Provisions) Act 1976 - Hackney Carriage and Private Hire Driver's Licence - RVW.**

The Divisional Officer, Licensing, Food & Safety detailed the background in respect of a complaint received regarding RVW, and his failure to convey two people and their guide dogs.

Members asked questions of the Officer who responded accordingly.

RVW explained the circumstances relating to the incident and answered Members questions relating to the matter. He outlined his understanding of the current byelaws and referred to, and outlined the guidance he had obtained from the Guide Dogs for the Blind website.

The two complainants and the representative from Guide Dogs Cymru detailed their views on the incident and answered Members questions relating to the matter.

The lawyer advising the committee, following questions from Members gave advice relating to the issues to be considered by Members.

**Resolved**

- 1) that no action be taken against RVW but he be issued with an advisory letter regarding how the General Licensing Committee expect him to assist passengers including guide dog owners in the future.
- 2) that the Department look at the issue of the carrying of Guide Dogs in saloon cars, with a view to issuing guidance to the trade on the matter.

**59 Town Police Clauses Act 1847 - Local Government (Miscellaneous Provisions) Act 1976 - Hackney Carriage and Private Hire Driver's Licence - BS.**

The Divisional Officer, Licensing, Food & Safety, detailed the background in respect of BS's hackney carriage and private hire driver's licences and vehicle licence and outlined the conviction received by BS.

She indicated that BS had informed the Department of his conviction.

BS explained the personal circumstances of the offence and conviction and answered Member questions relating to the matter.

**Resolved** that no action be taken against BS, but he be reminded of his responsibilities and duties as a taxi driver when carrying passengers.

**60 Town Police Clauses Act 1847 - Local Government (Miscellaneous Provisions) Act 1976 - Dual Driver - MGM - Private Hire Vehicle Proprietor - Hackney Carriage Vehicle Proprietor - Private Hire Operator, MC Ltd.**

The Divisional Officer, Licensing, Food & Safety, detailed the background in respect of MGM's hackney carriage and private hire driver's licences, vehicle licences and operator's licence and outlined the caution received by MGM.

She indicated that MGM had informed the Department of his caution.

MGM explained the circumstances of the offence and answered Member questions relating to the matter.

**Resolved** that no action be taken against MGM's licences, but he be sent a strong warning letter regarding his future conduct and he be reminded of his responsibilities to comply with all the necessary rules and regulations in his role as a taxi driver, vehicle owner and operator.

The meeting ended at 12.10 pm

**Chair**

# Agenda Item 4



Cyngor **Abertawe**  
**Swansea** Council

**Report of the Divisional Officer  
Licensing, Food & Safety  
General Licensing Committee  
8 December 2017**

**For Information Only**

**Result of Appeal**

| <b>NAME</b>       | <b>COURT</b>              | <b>DATES</b>                   | <b>DECISION</b>  | <b>RESULT</b>  |
|-------------------|---------------------------|--------------------------------|--|--|
| Anthony Jack Rees | Swansea Magistrates Court | 22 <sup>nd</sup> November 2017 | The Licensing Committee resolved not to grant a hackney carriage and private hire drivers licence on 11 <sup>th</sup> August .Members found Mr Rees not to be a fit and proper person. | The Court dismissed the Appeal.<br>No order as to costs. |



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

### General Licensing Committee – 8 December 2017

#### Exclusion of the Public

|                             |  |  |
|-----------------------------|--|--|
| <b>Purpose:</b>             | To consider whether the Public should be excluded from the following items of business.  |  |
| <b>Policy Framework:</b>    | None.  |  |
| <b>Reason for Decision:</b> | To comply with legislation.  |  |
| <b>Consultation:</b>        | Legal.   |  |
| <b>Recommendation(s):</b>   | It is recommended that:  |  |
| <b>1)</b>                   | 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. |  |
|                             | <b>Item No.</b>  | <b>Relevant Paragraphs in Schedule 12A</b> |
|                             | 6, 10 & 11<br>7, 8 & 9   | 12, 13 & 18<br>12 & 13                     |
| <b>Report Author:</b>       | Democratic Services  |  |
| <b>Finance Officer:</b>     | Not Applicable   |  |
| <b>Legal Officer:</b>       | 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  |
|-----------|--|
| <b>12</b> | <b>Information relating to a particular individual.</b>  |
|           | <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>   |
| <b>13</b> | <b>Information which is likely to reveal the identity of an individual.</b>  |
|           | <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>  |
| <b>14</b> | <b>Information relating to the financial or business affairs of any particular person (including the authority holding that information).</b>  |
|           | <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> <p>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</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 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  |

|           |   |
|-----------|---|
| <b>15</b> | <b>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.</b>  |
|           | 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. |
| <b>16</b> | <b>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</b>  |
|           | No public interest test.  |
| <b>17</b> | <b>Information which reveals that the authority proposes:</b><br><b>(a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</b><br><b>(b) To make an order or direction under any enactment.</b>  |
|           | 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. |
| <b>18</b> | <b>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</b>   |
|           | 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.     |

# 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.

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# Agenda Item 7

By virtue of paragraph(s) 12, 13 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 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 8

By virtue of paragraph(s) 12, 13 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 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 9

By virtue of paragraph(s) 12, 13 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 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 10

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 11

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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