



## 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, 12 January 2018

**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 - 4</b>   |
| <b>4</b> | <b>Exclusion of the Public.</b>  | <b>5 - 8</b>   |
| <b>5</b> | <b>Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 - Equality Act 2010 - Passengers in Wheelchairs - Request for an Exemption Certificate - DAC.</b>       | <b>9 - 14</b>  |
| <b>6</b> | <b>Town Police Clauses Act 1847 - Local Government (Miscellaneous Provisions) Act 1976 - Equality Act 2010 - Passengers in Wheelchairs - Request for an Exemption Certificate - MJP.</b>         | <b>15 - 19</b> |
| <b>7</b> | <b>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 - AGB.</b> | <b>20 - 43</b> |

**Next Meeting:** Thursday, 18 January 2018 at 10.00 am

*Huw Evans*

**Huw Evans**  
**Head of Democratic Services**  
**Friday, 5 January 2018**

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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

Friday, 8 December 2017 at 10.00 am

**Present:** Councillor P M Matthews (Chair) presided  
Councillor P Downing (Vice Chair) presided for item 69

**Councillor(s)**  
C Anderson  
V M Evans  
H M Morris  
L V Walton

**Councillor(s)**  
J P Curtice  
S J Gallagher  
C L Philpott

**Councillor(s)**  
P Downing  
P Lloyd  
L G Thomas

**Officer(s)**

L Anthony  
A Evans  
R Jenkins  
P Livingstone  
L Thomas  
S Woon

Divisional Officer, Licensing, Food and Safety  
Environmental Health Officer  
Licensing Officer  
Divisional Officer, Housing Business Manager  
Senior Lawyer  
Democratic Services Officer

**Apologies for Absence**

Councillor(s): B J Rowlands

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**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 and Prejudicial - Minute No. 69 - 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 – FEB is known to me. Councillor C Anderson left the meeting prior to consideration.

**62 Minutes.**

**Resolved** that the minutes of the General Licensing Committee held on 10 November, 2017 be agreed as a correct record.

**63 Result of Appeal.**

The Divisional Officer, Licensing, Food & Safety presented a report which detailed the result of an appeal which was duly noted.

**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 HMO Licensing - Housing Act 2004, Fit & Proper Person Status - PA.**

The Divisional Officer, Housing Business Manager, detailed the background in respect of HMO Licensing, Housing Act 2004, Fit and Proper Person Status in relation to PA.

Members' asked questions of the Officers who responded accordingly.

PA explained the circumstances relating to the offences and answered Members' questions.

**Resolved:**

1. That Officers establish whether the outstanding works identified in the report had been completed and the relevant gas certificates required for the grant had been provided: and
2. The matter be deferred to the General Licensing Committee on 12 January, 2018.

**66 Town Police Clauses Act 1847 - Local Government (Miscellaneous Provisions) Act 1976 - Equality Act 2010 - Passengers in Wheelchairs - Request for an Exemption Certificate - SPL.**

The Divisional Officer, Licensing, Food & Safety, detailed the background in respect of SPL's request for an exemption certificate.

Members' asked questions of the Officer who responded accordingly.

SPL explained the circumstances relating to the request and answered Members' questions.

**Resolved** that SPL's request for an exemption from carrying wheelchair users be approved until 31 July 2018.

**67 Town Police Clauses Act 1847 - Local Government (Miscellaneous Provisions) Act 1976 - Equality Act 2010 - Passengers in Wheelchairs - Request for an Exemption Certificate - LAJC.**

The Divisional Officer, Licensing, Food & Safety, detailed the background in respect of LAJC's request for an exemption certificate.

Members' asked questions of the Officer who responded accordingly.

LAJC explained the circumstances relating to the request and answered Members' questions.

**Resolved** that LAJC's request for an exemption from carrying wheelchair users be approved until 8 December 2018.

**68 Town Police Clauses Act 1847 - Local Government (Miscellaneous Provisions) Act 1976 - Equality Act 2010 - Passengers in Wheelchairs - Request for an Exemption Certificate - AK.**

The Divisional Officer, Licensing, Food & Safety, detailed the background in respect of AK's request for an exemption certificate.

AK explained the circumstances relating to the request and answered Members' questions.

**Resolved** that AK's request for an exemption from carrying wheelchair users be approved until 8 June 2018.

**[Councillor P Downing, Vice-Chair presided for Minute 69 only]**

**69 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.**

The Divisional Officer, Licensing, Food & Safety, detailed the background in respect of FEB's application for the grant of a hackney carriage and private hire drivers licence.

Members' asked questions of the Officers who responded accordingly.

FEB explained the circumstances of the offence and answered Members' questions.

**Resolved** that FEB's application for the grant of a hackney carriage and private hire drivers licence be **approved** and FEB receive a strong warning letter regarding future conduct.

**[Councillor P M Matthews, Chair, presided]**

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

The Chair and Senior Lawyer apologised and explained the circumstances resulting in the delay in hearing DM's case.

DM stated that, had DM been aware of the timing the Committee's consideration of the matter, he could have arranged legal representation.

Following an offer from the Chair to defer, DM confirmed that he wished to proceed.

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

DM explained the circumstances of the offences and answered Members' questions.

**Resolved** that DM be issued with a strong warning letter regarding future conduct.

The meeting ended at 1.17 pm

**Chair**



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

### General Licensing Committee – 12 January 2018

#### 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>
	5, 6 & 7	12, 13 & 18
<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> <b>(a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</b> <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 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

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# Agenda Item 6

By virtue of paragraph(s) 12, 13, 18 of Schedule 12A  
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as amended by the Local Government (Access to  
Information) (Variation) (Wales) Order 2007.

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# Agenda Item 7

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