



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, 9 February 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

Agenda

Page No.

- | | | |
|----------|---|----------------|
| 1 | Apologies for Absence. | |
| 2 | Disclosures of Personal and Prejudicial Interest.
www.swansea.gov.uk/disclosuresofinterests | |
| 3 | Minutes.
To approve & sign the Minutes of the previous meeting(s) as a correct record. | 1 - 4 |
| 4 | Request for Exemption from Displaying Door Decals - Restricted Private Hire Vehicle. | 5 - 8 |
| 5 | Exclusion of the Public. | 9 - 12 |
| 6 | Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 - Application for the Grant of Hackney Carriage and Private Hire Driver's Licence - RPR. | 13 - 20 |
| 7 | Immediate Action Update (For Information Only). | 21 |

Next Meeting: Friday, 9 March 2018 at 10.00 am

A handwritten signature in black ink that reads 'Huw Evans'.

Huw Evans, Head of Democratic Services
Thursday, 1 February 2018

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	Divisional Officer, Licensing, Food and Safety
A Evans	Environmental Health Officer
R Jenkins	Licensing Officer
P Livingstone	Divisional Officer, Housing Business Manager
L Thomas	Senior Lawyer
S Woon	Democratic Services Officer

Apologies for Absence

Councillor(s): B J Rowlands

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 Divisional Officer Licensing, Food & Safety

General Licensing Committee - 9 February 2018

Local Government (Miscellaneous Provisions) Act 1976 – Restricted Private Hire Vehicle – Request for Exemption from Displaying Door Decals – Restricted Private Hire Vehicle RV 293 – Mr Jeff Lang

1. Mr Lang is the proprietor of restricted private hire vehicle RV 293 vehicle registration mark KY58 ZBP, a silver Chrysler 300C.
2. In December 2017 Mr Lang submitted an application to licence the silver Chrysler stating on the application form that the vehicle was to be used for Airports and Executive Hire only.
3. **Current Condition**
 - 3.1 On 8th September 2017, Members considered a report to require all restricted private hire vehicles to display licence plates and door stickers and the conditions were amended to state:

“Vehicle plates and stickers must be securely fixed to the vehicle. The vehicle plate is to be fixed on the bumper bar or boot lid/rear door between centre line and the offside of the vehicle. Stickers must be affixed to the front and offside doors of the vehicle. The plate and stickers must be kept clearly visible at all times. The vehicle plate must be returned to the Council on expiry of the licence.”
 - 3.2 The main concern was that restricted vehicles were hard to identify as licensed vehicles without the licence plate and stickers affixed to the vehicle. See attached copy of the report from 8th September 2017 at Appendix A.

4. The Request

4.1 On 22nd December 2017 Mr Lang submitted a request from displaying door stickers on his restricted private hire vehicle RV 293. The reasons for the request are that the only jobs which the vehicle will be used for are weddings, executive hire and airports and by not displaying the door stickers the vehicle will look less like a taxi and more appealing to executive clients. The vehicle will not be used for school runs.

5. Consideration

5.1 The General Licensing Committee is requested to determine whether to:

- i) approve the request by Mr Lang for an exemption from displaying door stickers on his restricted private hire vehicle RV 293; or
- ii) refuse the request by Mr Lang for an exemption from displaying door stickers on his restricted private hire vehicle RV 293, giving full reasons for the decision.

The General Licensing Committee's instructions are requested.

Background Papers: Licence Application
Contact Officer: Kath Thomas
Extension: 5600
Legal Contact: Lyndsay Thomas

REPORT OF THE DIVISIONAL OFFICER
LICENSING, FOOD & SAFETY
TO THE GENERAL LICENSING COMMITTEE
8th SEPTEMBER 2017

PROPOSAL TO AMEND RESTRICTED PRIVATE HIRE VEHICLE
CONDITION 23

1.0 Purpose of Report

- 1.1 To ask Members to consider amending the existing condition which stipulates where the licence must be displayed on the vehicle.

2.0 Current condition

- 2.1 Currently, restricted private hire vehicle condition 23 states:

“The restricted licence issued by the Council must be displayed in the front windscreen of the vehicle on the nearside. It must be clearly visible at all times. The vehicle licence must be returned to the Council on expiry.”

- 2.2 The current window licence is credit card size and shows the vehicle licence number, expiry date of the licence, registration mark of the vehicle licensed and maximum number of persons the vehicle is permitted to carry. It is small and not easily visible.

3.0 Background

- 3.1 Recently, concern regarding the ability to easily identify these vehicles has been raised by officers responsible for school transport and other agencies.
- 3.2 Restricted Private Hire Vehicles are restricted to providing services for school transport, airport travel and executive travel only and may be any colour. This is in contrast to hackney carriage and private hire vehicles used for general hire which are subject to a strict colour policy to assist the public in easily identifying a licensed vehicle.
- 3.3 Concern has been raised that the restricted private hire vehicles are difficult to identify as licensed vehicles as unlike hackney carriage and private hire vehicles, they are not required to display door signs and a licence plate on the rear of the vehicle.
- 3.4 In view of the signage required for restricted private hire vehicles, in practice these vehicles cannot be easily distinguished from private vehicles that are not licensed. This is now causing concern and reports have been received that unlicensed vehicles, arranged privately by

parents and not provided by this authority, are being used to transport children to and from school.

4.0 **Proposals**

- 4.1 To address these concerns it is now proposed that restricted private hire vehicles are required to display door stickers and a plate on the rear of the vehicle in line with the current requirements for hackney carriage and private hire vehicles used for general hire and existing condition 23 of the restricted private hire vehicle conditions is amended to state the following:

“Vehicle plates and stickers must be securely fixed to the vehicle. The vehicle plate is to be fixed on the bumper bar or boot lid/rear door between centre line and the offside of the vehicle. Stickers must be affixed to the front near and offside doors of the vehicle. The plate and stickers must be kept clearly visible at all times. The vehicle plate must be returned to the Council on expiry of the licence.”

5.0 **Recommendations**

- 5.1 It is recommended that Members amend restricted private hire vehicle condition 23 to state the following:

“Vehicle plates and stickers must be securely fixed to the vehicle. The vehicle plate is to be fixed on the bumper bar or boot lid/rear door between centre line and the offside of the vehicle. Stickers must be affixed to the front near and offside doors of the vehicle. The plate and stickers must be kept clearly visible at all times. The vehicle plate must be returned to the Council on expiry of the licence.”

The Licensing Committee’s instructions are requested.

Background Papers: None
Contact Officer: Yvonne Lewis
Extension: 5600
Legal Contact: Aled Gruffydd



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

General Licensing Committee – 9 February 2018

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
	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> <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

15	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.
	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.
16	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
	No public interest test.
17	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.
	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.
18	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
	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

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.

Document is Restricted