



City and County of Swansea

Minutes of the **General Licensing Committee**

Council Chamber, Guildhall, Swansea

Friday, 13 April 2018 at 10.00 am

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)

C Anderson
V M Evans
H M Morris
L G Thomas

Councillor(s)

J P Curtice
S J Gallagher
C L Philpott
L V Walton

Councillor(s)

P Downing
P Lloyd
B J Rowlands

Officer(s)

L Anthony
A Gruffydd
P Livingstone
K Thomas
S Woon

Divisional Officer, Licensing, Food and Safety
Lawyer
Team Leader, Housing and Public Health
Licensing Officer
Democratic Services Officer

96 **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 S J Gallagher – Personal – Minute No. 101 – HMO Licensing Act 2004, Appeal to Residential Property Tribunal – AL – applicant is known to me.

Councillor C L Philpott – Personal – Minute No. 102 – Town Police Clauses Act 1947 – Local Government (Miscellaneous Provisions) Act 1976 – Application for the Grant of a Restricted Hackney Carriage and Private Hire Driver's Licence – SPW – Realised when applicant referred to 'Bishop Gore' I had previous knowledge of the circumstances. Councillor C L Philpott left prior to the decision being reached.

Councillor L V Walton – Personal – Minute No. 101 – HMO Licensing Act 2004, Appeal to Residential Property Tribunal – AL – applicant is known to me.

97 **Minutes.**

Resolved that the minutes of the General Licensing Committee held on 9 March, 2018 be agreed as a correct record.

98 **Equality Act 2010 - Approval Arrangements for Medical Exemptions.**

The Divisional Officer, Licensing, Food & Safety presented a report in respect of the approval of future applications for medical exemptions from carrying passengers in wheelchairs.

Members' noted the background, current and proposed procedure.

Members' asked questions of the Officer who responded accordingly.

Resolved that:

- 1) The proposals set out in paragraph 4 of the report be **approved** and officers be authorised to approve medical exemption certificates as follows:
 - a) Where time limited requests are made by drivers and supporting documentation is satisfactory, approval be granted by Officers on behalf of the General Licensing Committee;
 - b) If there are queries in respect of a request or where the supporting documentation is not satisfactory, Licensing Officers will refer the request to the General Licensing Committee for decision; and
 - c) All requests for a medical exemption certificate that are not time limited will be referred to the General Licensing Committee for decision.

99 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)

100 HMO Licensing - Housing Act 2004, Appeal to Residential Property Tribunal - PA.

The Team Leader detailed the background in respect of HMO Licensing, Housing Act 2004, Appeal to the Residential Property Tribunal by PA.

Members asked questions of the Officer who responded accordingly. It was noted that a further report would be submitted to the Committee regarding the outcome of the appeal.

101 HMO Licensing - Housing Act 2004, Appeal to Residential Property Tribunal - AL.

The Team Leader detailed the background in respect of HMO Licensing, Housing Act 2004, Appeal to the Residential Property Tribunal by AL.

Members asked questions of the Officer who responded accordingly. It was noted that a further report would be submitted to the Committee regarding the outcome of the appeal.

102 Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 - Application for the Grant of a Restricted Hackney Carriage and Private Hire Driver's Licence - SPW.

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

SPW explained the circumstances relating to the matter and answered Members' questions.

Resolved that SPW's application for the grant of a restricted hackney carriage and private hire driver's licence be **approved for 12 months**.

Reason for Decision

Whilst the Committee were mindful of the progress made by SPW since the incident, they were of the opinion that an initial licence for 12 months would allow SPW to evidence her ability to manage future challenging situations.

103 Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 - Application for the Grant of a Restricted Hackney Carriage and Private Hire Driver's Licence - JLC.

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

Members asked questions of the Officer who responded accordingly.

JLC, accompanied by Mr W, legal representative, explained the circumstances relating to the matter and answered Members' questions.

Resolved that JLC's application for the grant of a restricted hackney carriage and private hire driver's licence be **refused**.

Reason for Decision

The Committee did not believe that JLC was a fit and proper person to hold a restricted hackney carriage and private hire driver licence as he had been deceitful in failing to give a specimen and there was no indication of asthma in the medical submitted and also not enough time had elapsed from the end of the disqualification period.

104 Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 - Application for the Grant of a Restricted Hackney Carriage and Private Hire Driver's Licence - JMP.

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

JMP explained the circumstances relating to the matter and answered Members' questions.

The Lawyer advising the Committee read a reference of support from A C Jenkins, Travel Services.

Resolved that JMP's application for the grant of a restricted hackney carriage and private hire driver's licence be **approved for a period of 12 months**.

Reason for Decision

The Committee were mindful that 15 months had elapsed since the offence and JMP did not appear to take his previous speeding convictions seriously.

105 Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 - Dual Driver - DAH.

The Divisional Officer, Licensing, Food and Safety, advised that DAH had failed to attend the meeting and no explanation had been received.

Members' resolved to consider the matter in the absence of DAH.

Members asked questions of the Officers who responded accordingly.

Resolved that:

- 1) The matter be considered in DAH's absence; and
- 2) DAH's request for renewal of the hackney carriage and private hire driver's licences be **refused**.

Reason for Decision

The Committee were of the opinion that DAH was not a fit and proper person because he was dishonest in obtaining his licence by not declaring his recent

conviction and no satisfactory explanations could be obtained from DAH due to his non-attendance.

106 Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 - Application for the Grant of a Hackney Carriage and Private Hire Driver's Licence - TA.

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

Members asked questions of the Officers who responded accordingly.

TAA explained the circumstances relating to the matter and answered Members' questions.

Resolved that:

- 1) TAA's application for the grant of a restricted hackney carriage and private hire driver's licence be **approved for 12 months**; and
- 2) Within 3 months of the licence being granted, written confirmation is received in the Licensing Section from TAA's General Practitioner stating that TAA continues to meet Group 2 Medical Standards.
- 3) TAA be subject to an annual satisfactory medical certificate issued by his own General Practitioner to be submitted to the Licensing Authority prior to the licence being renewed.

107 Immediate Action Update.

The Immediate Action Update was **noted**.

The meeting ended at 12.20 pm

Chair