



City and County of Swansea

Minutes of the General Licensing Committee

Council Chamber, Guildhall, Swansea

Friday, 9 November 2018 at 10.00 am

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)

C Anderson
P Downing
H M Morris
L G Thomas

Councillor(s)

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

Councillor(s)

N J Davies
P Lloyd
B J Rowlands

Officer(s)

Lynda Anthony
Craig Davies
Gareth James
Richard Jenkins
Lyndsay Thomas
Samantha Woon

Licensing, Food and Safety Manager
Lawyer (Observing)
Fleet Engineer (Central Transport Unit)
Licensing Officer
Principal Lawyer
Democratic Services Officer

40 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 N J Davies – Personal – Minute No. 47 - 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 - KSR. Applicant known to me professionally. Councillor N J Davies left the meeting prior to consideration of the item.

41 Minutes:

Resolved that the Minutes of the General Licensing Committee held on 12 October, 2018, be agreed as a correct record.

42 Rear Wheelchair Accessible Hackney Carriage Vehicles.

The Licensing, Food & Safety Manager presented a report seeking approval for Licensing Officers to determine further applications in respect of rear loading, wheelchair accessible vehicles.

She referred to consultations with the Fire Authority, relevant considerations and the proposed procedure.

Members' asked questions of the Officer who responded accordingly.

The Lawyer advising the Committee clarified the purpose of the report and referred to the public interest in the matter given that three members of the public were in attendance at the meeting.

Members' were asked their views regarding allowing the three members of the public who wanted to make oral representations. The Lawyer gave advice on the procedures laid down in the Constitution and alternatives the committee could adopt.

Members **resolved** the public be given the opportunity to speak in favour or against the recommendation, allowing a 5 minute split in those of favour/against.

Members considered the representations from three members of the public, all in support of the recommendation.

Resolved that:

1. Officers of the Licensing Section are authorised to grant vehicle licenses in respect of hackney carriage vehicles that are rear wheelchair accessible, subject to the vehicle passing the Council's inspection and meeting all other application criteria and that these vehicles are licensed on merit.
2. Any vehicles that do not comply with the required standards will be reported to the General Licensing Committee for determination.

43 Procedure for Immediate Actions - Suspension or Revocation of a Hackney Carriage/Private Hire Driver's Licence.

The Licensing, Food & Safety Manager presented a report for information which detailed the action taken by Officers following the decision to ensure a driver is prevented from driving a licensed vehicle. Members had sought clarification regarding the powers available to Officers to request that the licence and badges are returned to the Authority.

Resolved that the report be **noted**.

44 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)

45 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 - DJB.

The Licensing, Food & Safety Manager, detailed the background in respect of DJB's application for the grant of a Hackney Carriage and Private Hire Driver's Licence.

DJB explained the circumstances and answered Members' questions.

Resolved that DJB's application for the Grant of a Hackney Carriage and Private Hire Driver's Licence be **approved**.

46 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 - LB.

The Licensing, Food & Safety Manager, following the approval of LB, circulated additional information received from South Wales Police and detailed the background in respect of LB's application for the Grant of a Restricted Hackney Carriage and Private Hire Driver's Licence.

LB requested that the Lawyer advising the Committee read a written submission regarding the circumstances of the offence. The Lawyer also read out information regarding related matters that LB had provided for the members information.

Members' asked questions of LB and Officers, all of whom responded accordingly.

Resolved that LB's application for the Grant of a Restricted Hackney Carriage and Private Hire Driver's Licence be **refused**.

Reason for Decision

1. Members' were not satisfied LB was a fit and proper person so that they could depart from their guidelines which state three years should elapse from restoration of the driving licence.
2. It was deemed that LB, given the date and seriousness of the conviction, was still in a probationary period and the members were not satisfied the behaviour was a one off which would not be repeated.
3. Members' noted that LB was a school transport escort, however, this role does not include driving members of the public.

47 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 - KSR.

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Cont'd

KSR sought Committee's approval to defer consideration of the matter to the meeting of the General Licensing Committee on 14 December, 2018, in order to allow KSR to seek appropriate representation.

Resolved that KSR's request for a deferment to the General Licensing Committee meeting on 14 December, 2018 be **approved**.

The meeting ended at 11.36 am

Chair