



City and County of Swansea

Minutes of the **General Licensing Committee**

Committee Room 1 - Civic Centre, Swansea

Friday, 14 December 2018 at 10.00 am

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)

C Anderson
P Downing
H M Morris

Councillor(s)

J P Curtice
S J Gallagher
L V Walton

Councillor(s)

N J Davies
P Lloyd

Officer(s)

Lynda Anthony
Aled Gruffydd
Yvonne Lewis
Allison Lowe
Kath Thomas
Samantha Woon

Licensing, Food and Safety Manager
Lawyer
Team Leader, Licensing
Democratic Services Officer
Licensing Officer
Democratic Services Officer

Apologies for Absence

Councillor(s): C L Philpott, B J Rowlands and L G Thomas

48 **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

Councillor C A Anderson – Personal – Minute No. 51 - Local Government (Miscellaneous Provisions) Act 1976 - Application for the Grant of a Licence for a Restricted Private Hire Vehicle – Nissan NV200 – Applicant known to me.

Councillor N J Davies – Personal – Minute No. 54 - 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 withdrew from the meeting prior to consideration of the item.

Officer

Samantha Woon – Personal – Minute No 55 - 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 AJR – Applicant is known to me. Samantha Woon withdrew from the meeting prior to consideration of this item.

49 Minutes:

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

50 Request to Remove Minimum Engine Size/Capacity Requirement.

The Licensing, Food & Safety Manager, presented a report which sought to remove minimum engine size/capacity requirement.

She detailed the background, current position, proposal, research, considerations and recommendations.

Members' asked questions of the Officer who responded accordingly.

Resolved that the condition requiring that the engine capacity of the hackney carriage, private hire and restricted private hire vehicles must be not less than 1500cc is removed.

51 Local Government (Miscellaneous Provisions) Act 1976 - Application for the Grant of a Licence for a Restricted Private Hire Vehicle, Nissan NV200 - Registration Mark NK12 FHW.

Resolved that Mr Harris restricted private hire vehicle licence in respect of the Nissan NV200, registration mark NK12 FHW be granted and renewed on merit.

52 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)

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

The Licensing, Food & Safety Manager detailed the background in respect of MC's request for an exemption from carrying wheelchair users in hackney carriage and/or private hire vehicles.

MC explained the circumstances and answered Members' questions.

Resolved that MC's request for an exemption from carrying wheelchair users in hackney carriage and/or private hire vehicles be approved until September 2021.

54 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.

The Licensing, Food & Safety Manager advised that consideration of the matter had been deferred from the meeting on 9 November, 2018 in order that KSR could secure legal representation.

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

KSR explained the circumstances and answered Members' questions.

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

Reason for decision

1. Members' were not satisfied that KSR was a fit and proper person;
2. The guidelines state that at least three years free of convictions relating to violence should elapse before an application is entertained;
3. The applicant did not provide cogent reasons for departing from the guidelines;
4. The applicant did not accept any blame for the offences.

55 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 - AJR.

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

AJR explained the circumstances and answered Members' questions.

Resolved that AJR's request for the grant of a hackney carriage and private hire driver's licence be refused.

Reason for decision

1. Members' were not satisfied that AJR was a fit and proper person;
2. The guidelines are discretionary as to whether to grant a licence after the restoration of a DVLA driving licence following disqualification;

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3. The Committee regard that in this case the number of previous convictions for speeding were in a short period of time, 3 convictions in a space of 12 months, demonstrates a serious pattern of offending warranting a stronger approach.
4. The Committee had regard to no further transgressions in the last three years, however the applicant did not demonstrate that he had learnt from previous mistakes.

The meeting ended at 11.13 am

Chair