



## City and County of Swansea

### Notice of Meeting

You are invited to attend a Meeting of the

## General Licensing Committee

**At:** Remotely via Microsoft Teams

**On:** Friday, 10 December 2021

**Time:** 10.00 am

**Chair:** Councillor Penny Matthews

**Membership:**

Councillors: C Anderson, J P Curtice, N J Davies, P Downing, 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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<b>Agenda</b>		<b>Page No.</b>
<b>1</b>	<b>Apologies for Absence.</b>	
<b>2</b>	<b>Disclosures of Personal and Prejudicial Interest.</b> <a href="http://www.swansea.gov.uk/disclosuresofinterests">www.swansea.gov.uk/disclosuresofinterests</a>	
<b>3</b>	<b>Minutes:</b> To approve & sign the Minutes of the previous meeting(s) as a correct record.	<b>1 - 5</b>
<b>4</b>	<b>Tax Conditionality affecting the Hackney Carriage and Private Hire Trade.</b>	<b>6 - 8</b>
<b>5</b>	<b>Exclusion of the Public.</b>	<b>9 - 12</b>
<b>6</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 - MAC.</b>	<b>13 - 15</b>
<b>7</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 - JD.</b>	<b>16 - 18</b>
<b>8</b>	<b>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 - DE.</b>	<b>19 - 55</b>

**9 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 -  
MIMB,**

**56 - 94**

**Next Meeting:** Friday, 14 January 2022 at 10.00 am

*Huw Evans*

**Huw Evans  
Head of Democratic Services  
Thursday, 2 December 2021**

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**Contact: Democratic Services - Tel: (01792) 636923**

# Agenda Item 3



City and County of Swansea

## Minutes of the **General Licensing Committee**

Remotely via Microsoft Teams

Friday, 12 November 2021 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  
C L Philpott

**Councillor(s)**

N J Davies  
P Lloyd  
L G Thomas

**Officer(s)**

Craig Davies  
Barrie Gilbert  
Richard Jenkins  
Yvonne Lewis  
Samantha Woon

Associate Lawyer  
Senior Transport Officer  
Licensing Officer  
Team Leader, Licensing  
Democratic Services Officer

**Apologies for Absence**

Councillor(s): B J Rowlands and L V Walton

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**18 Disclosures of Personal and Prejudicial Interest.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

**19 Minutes:**

**Resolved** that the Minutes of the General Licensing Committee held on 9 July and 27 August, 2021 be agreed as a correct records.

**20 Harmonisation of Taxi and Private Hire Licensing.**

The Licensing Team Leader presented a 'for information' report which detailed the new statutory standards for taxi and private hire services which have been issued under the provisions of the Policing and Crime Act 2017 and published by the Department for Transport (DfT). Details on the recommendations published by Welsh Government were also provided and it is proposed that the standards contained in this documentation would be used to develop a new Statement of Principles for Taxi and Private Hire Licensing for the Authority.

Members' asked questions of the Officer who responded accordingly.

The Licensing Team Leader confirmed that documents would be forwarded to Members for information.

**21 National Register for Revocations and Refusals.**

The Licensing Team Leader and Licensing Officer presented a 'for information' report to inform Members of the proposed use of the National Register of Taxi Refusals and Revocations (NR3).

Members' asked questions of the Officers who responded accordingly.

The Chair and Members expressed their gratitude to the Licensing Team for their hard work during the challenges associated with the COVID 19 Pandemic.

**22 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)**

**23 Results of Appeal.**

The Associate Lawyer presented a 'for information' report detailing the results of an appeal.

**24 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 - AMS.**

The Licensing Officer presented the background information in respect of AMS.

Members' asked questions of the Officer who responded accordingly.

AMS explained the circumstances relating to the conviction and answered Members' questions.

**Resolved** that AMS's application for a Restricted Hackney Carriage and Private Hire Driver's Licence be **approved** and AMS receive a warning letter regarding future conduct.

**25 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 - CRH.**

The Licensing Officer presented the background information in respect of CRH.

Members' asked questions of the Officer who responded accordingly.

CRH, accompanied by DR and NT explained the circumstances relating to the offences and answered Members' questions.

**Resolved** that CRH's application for a Hackney Carriage and Private Hire Driver's Licence be **refused**.

**Reason for Decision**

CRH did not satisfy Members that he was a fit, proper, safe and suitable to hold a licence under sections 3.27, 3.28, 3.30, 3.31, 3.34 and 4.41 in addition to those outlined in the report of the guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.

**26 Appeal against decision to not approve as a Driver for Home to School Transport - SCN.**

The Transport Officer detailed the background details in respect of SCN.

SCN confirmed he had not received copies of the papers being considered at the meeting.

**Resolved** that the matter be deferred.

The meeting ended at 12.40 pm

**Chair**



City and County of Swansea

## Minutes of the **General Licensing Committee**

Remotely via Microsoft Teams

Friday, 26 November 2021 at 10.00 am

**Present:** Councillor P M Matthews (Chair) Presided

**Councillor(s)**

C Anderson  
P Lloyd  
B J Rowlands

**Councillor(s)**

J P Curtice  
H M Morris  
L V Walton

**Councillor(s)**

P Downing  
C L Philpott

**Officer(s)**

Aled Gruffydd  
Samantha Woon  
Barrie Gilbert

Associate Lawyer  
Democratic Services Officer  
Senior Transport Officer

**Apologies for Absence**

Councillor(s): N J Davies, S J Gallagher and L G Thomas

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**27 Disclosures of Personal and Prejudicial Interest.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

**28 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)**

**29 Appeal against decision to not approve as a Driver for Home to School Transport - SCN.**

The Team Leader, Passenger Transport advised that SCN had stated he did not wish to attend the meeting and had requested that the matter be dealt with in his absence.

The Lawyer advising the Committee stated that there was not legal reason why the matter could not be dealt with in the absence of SCN.

The Passenger Transport Team Leader detailed the background in respect of SCN and answered Member questions.

**Resolved** that SCN's appeal against the decision not to approve as a Driver for Home to School Transport be dismissed.

**Reason for Decision**

Members were not satisfied that SCN that he was a fit, proper, safe and suitable to be approved as a driver for school transport under sections 4.14, 4.16, 4.17 and 4.31 of the guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.

The meeting ended at 10.21 am

**Chair**

# Agenda Item 4



**Report of the Licensing and  
Food & Safety Manager  
General Licensing Committee  
10 December 2021**

## **Tax Conditionality affecting the Hackney Carriage and Private Hire Trade**

### **Purpose of the report**

1. To inform Members of the new legislation in relation to tax checks that will affect drivers of hackney carriage and private hire vehicles and also private hire operators.

### **Background**

2. HMRC has conducted two public consultations on using conditionality to tackle the hidden economy. The first consultation on the principles of conditionality took place in 2016.
3. The second consultation on how conditionality could work in practice was published after the Autumn Budget 2017 and proposed that access to some public sector licences could be conditional on proving tax registration. It sought evidence on the extent to which the Government's proposals would address risks posed by the hidden economy, whilst minimising administrative or other burdens for customers and licensing bodies.
4. The Budget of 2020 announced that the Government would legislate in the Finance Bill 2020-21 to make the renewal of licences to drive taxis, drive and operate private hire vehicles (PHVs) (for example minicabs) conditional on applicants completing checks that confirm they are appropriately registered for tax.
5. Conditionality will apply to applications made by individuals, companies and partnerships, including LLPs (limited liability partnerships) for licences to drive taxis or PHVs and operate a PHV business.
6. In practical terms, the rules are changing for applicants for
  - Hackney Carriage and Private Hire driver licences;  
and
  - Private hire vehicle operator licences.



7. From 4 April 2022, Licensing Authorities in England and Wales must carry out checks on applications from individuals, companies and any type of partnership to make sure they are aware of their tax responsibilities or have completed a tax check.

#### **First time applications**

8. The Licensing Authority will be required to signpost first-time applicants to HMRC guidance about their potential tax obligations and obtain confirmation that the applicant is aware of the guidance before considering the application by way of declaration. Where the application is not a first-time application (a renewed application) the authority must, before considering the application, obtain confirmation from HMRC that the applicant has completed a tax check.
9. An applicant will carry out a tax check by providing information to enable HMRC to satisfy itself that the applicant has complied with an obligation to notify their chargeability to tax, where such an obligation applies. The check will be completed when HMRC is satisfied the applicant has provided all information requested.

#### **Renewal Applications**

10. The applicant will need to complete a tax check and provide the tax check code to the Licensing Authority on their application if they are:
  - renewing a licence; or
  - applying for the same type of licence they previously held, that ceased to be valid less than a year ago; or
  - applying for the same type of licence they already hold with another licensing authority.
11. The Authority will then need to confirm the tax check has taken place by carrying out an online check. Members are to be made aware that the Authority will have no access to any other personal detail held by HMRC relating to the applicant as part of this process.
12. Where a HMRC systems failure prevents the Licensing Authority from meeting its requirement to obtain confirmation of the completion of a tax check, that requirement will cease to apply. HMRC will also have discretion to waive the requirement where an HMRC failure prevented the applicant completing their tax check.

13. If individuals do not complete a tax check the Licensing Authority will be unable to consider their application to renew their licence and their current licence will expire. HMRC has stated that the tax check to be undertaken by drivers and operators will be simple to complete and will be a similar process used to obtain a share code required by the Licensing Authority to check DVLA driving licences.
14. Further guidance on what Licensing Authorities must do when reviewing applications received on and after 4 April 2022 will be published in January 2022.

### **Impact on Drivers, Operators and Licensing Authorities**

15. To date, we are aware that Drivers and Operators will be required to answer a series of questions to obtain the tax check code:
- a) Date of Birth;
  - b) Type of Licence applied for;
  - c) How long they have been licensed;
  - d) How long the last licence was issued for;
  - e) Have they completed a tax return; and
  - f) Did this return include income from this licence?
16. The Tax code issued by HMRC will remain valid for 120 days in order for the applicant to use for their next application. This service will not be live to obtain the tax code until at least late January 2022 to co-incide with the implementation date of 4<sup>th</sup> April 2022.
17. HMRC will be issuing communications to be sent to the hackney carriage and private hire trade via toolkits, social media and factsheets in due course. These will be placed on the Local Authority website when available.
18. Licensing Authorities will be required to log onto the Government Gateway to validate each tax code supplied for each driver and operator renewing their licences.
19. The Licensing Authority will be required to insert details relating to the driver or operator including the tax code, date of birth, type of licence applied for and whether the applicant is an individual or company/partnership.

**This report is therefore presented for Information of the Licensing Committee.**

**Background Papers:** None  
**Contact Officer:** Richard Jenkins  
**Extension:** 5600  
**Legal Contact:** Nick Huffer

# Agenda Item 5



## Report of the Chief Legal Officer

General Licensing Committee – 10 December 2021

### 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>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's.</b>	<b>Relevant Paragraphs in Schedule 12A</b>
	6, 7, 8 & 9	12 & 13
<b>Report Author:</b>	Democratic Services	
<b>Finance Officer:</b>	Not Applicable	
<b>Legal Officer:</b>	Tracey Meredith – Chief Legal Officer (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> <ul style="list-style-type: none"> <li>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</li> <li>b) Disclosure of the information would give an unfair advantage to tenderers for commercial contracts.</li> </ul> <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	<p><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></p>
	<p>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.</p>
16	<p><b>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</b></p>
	<p>No public interest test.</p>
17	<p><b>Information which reveals that the authority proposes:</b></p> <p><b>(a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</b></p> <p><b>(b) To make an order or direction under any enactment.</b></p>
	<p>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.</p>
18	<p><b>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</b></p>
	<p>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.</p>

# Agenda Item 6

By virtue of paragraph(s) 12, 13 of Schedule 12A  
of the Local Government Act 1972  
as amended by the Local Government (Access to  
Information) (Variation) (Wales) Order 2007.

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# Agenda Item 7

By virtue of paragraph(s) 12, 13 of Schedule 12A  
of the Local Government Act 1972  
as amended by the Local Government (Access to  
Information) (Variation) (Wales) Order 2007.

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# Agenda Item 8

By virtue of paragraph(s) 12, 13 of Schedule 12A  
of the Local Government Act 1972  
as amended by the Local Government (Access to  
Information) (Variation) (Wales) Order 2007.

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By virtue of paragraph(s) 12, 13 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

By virtue of paragraph(s) 12, 13 of Schedule 12A  
of the Local Government Act 1972  
as amended by the Local Government (Access to  
Information) (Variation) (Wales) Order 2007.

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# Agenda Item 9

By virtue of paragraph(s) 12, 13 of Schedule 12A  
of the Local Government Act 1972  
as amended by the Local Government (Access to  
Information) (Variation) (Wales) Order 2007.

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By virtue of paragraph(s) 12, 13 of Schedule 12A  
of the Local Government Act 1972  
as amended by the Local Government (Access to  
Information) (Variation) (Wales) Order 2007.

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