

**CITY AND COUNTY OF SWANSEA**

**MINUTES OF THE GENERAL LICENSING COMMITTEE**

**HELD AT COMMITTEE ROOM 1, CIVIC CENTRE, SWANSEA ON  
FRIDAY, 28 MARCH 2014 AT 10.00 AM**

**PRESENT:** Councillor P M Matthews (Chair) presided.

<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
A C S Colburn	C E Lloyd	H M Morris
D W Cole	P Lloyd	B G Owen
P Downing	K E Marsh	T H Rees
R D Lewis		

**Officers:**

L Anthony - Divisional Licensing Officer  
K Clague - Lawyer  
R Jenkins - Licensing Officer  
S Woon - Democratic Services Co-ordinator

119 **APOLOGIES FOR ABSENCE**

An apology for absence were received from Councillor A S Lewis.

120 **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 P Lloyd – minute no. 122 – Applicant known to me. Councillor P Lloyd left prior to consideration of the application.

121 **MINUTES**

**RESOLVED** that the minutes of the Licensing Committee held on 28 February, 2014 and Licensing Sub Committee held on 7 February, 2014 be approved as correct records.

122 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 -  
APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE, FORD S -  
MAX, REGISTRATON MARK MD08 BCZ - MR LEE JONES**

Members' inspected the vehicle.

The Divisional Licensing Officer advised that an application to licence a restricted private hire vehicle had been received from Mr Lee Jones. The vehicle was a Ford S Max, registration mark MD08 BCZ and is capable of carrying 6 passengers.

Members' noted the background, relevant issues in relation to restricted private hire vehicles, the Department of Transport – Taxi and Private Hire Licensing, best practice guidance March 2010 and legislation relating to the licensing of restricted private hire vehicles.

Members' asked questions of Mr Lee Jones who responded accordingly.

**RESOLVED** that the application made by Mr Lee Jones for a restricted private hire vehicle licence in respect of the Ford S – Max, registration Mark MD08 BCZ for the purpose of airport travel, executive hire and school contracts only be **APPROVED** and renewed on merit.

123 **TOWN POLICE CLAUSES ACT 1847 - APPLICATION TO SUBSTITUTE A HACKNEY CARRIAGE VEHICLE - SKODA OCTAVIA, REGISTRATION MARK CP10 DTO - MR JEFFREY HODGE**

Members' inspected the vehicle.

The Divisional Licensing Officer advised that an application to substitute an existing hackney carriage licence had been received from Mr Jeffrey Hodge. The vehicle was a Skoda Octavia, registration mark CP10 DTO and is capable of carrying 4 passengers.

Members' noted the background, relevant issues in relation to hackney carriage vehicles, the Department of Transport – Taxi and Private Hire Licensing Best Practice Guidance March 2010 and legislation relating to the licensing of hackney carriage hire vehicles.

Members' asked questions of Mr Jeffrey Hodge who responded accordingly.

**RESOLVED** that the application made by Mr Hodge to substitute the Skoda Octavia, registration mark CP10 DTO onto the hackney carriage vehicle licence HC 4048 be **APPROVED**.

124 **TOWN POLICE CLAUSES ACT 1847 - APPLICATION TO SUBSTITUTE A HACKNEY CARRIAGE VEHICLE - VOLKSWAGEN PASSAT, REGISTRATION MARK WN59 OTU - MR PHILLIP DAVIES**

Members' inspected the vehicle.

The Divisional Licensing Officer advised that an application to substitute an existing hackney carriage licence had been received from Mr Phillip Davies. The vehicle was a Volkswagen Passat, registration mark WN59 OTU and is capable of carrying 4 passengers.

Members' noted the background, relevant issues in relation to hackney carriage vehicles, the Department of Transport – Taxi and Private Hire Licensing Best Practice Guidance March 2010 and legislation relating to the licensing of hackney carriage hire vehicles.

Members' asked questions of Mr Phillip Davies who responded accordingly.

**RESOLVED** that the application made by Mr Phillip Davies to substitute the Volkswagen Passat, registration mark WN59 OTU onto the hackney carriage vehicle licence HC 4014 be **APPROVED**.

125 **REVIEW OF RESTRICTED PRIVATE HIRE VEHICLES**

The Divisional Licensing Officer advised that restricted private hire licences in respect of operators, vehicles and drivers had been introduced by the Licensing Committee on 17 March, 2008 in response to a change in legislation that removed Section 75 of the Local Government (Miscellaneous Provisions) Act 1976.

Section 75 of the Local Government (Miscellaneous Provisions) Act 1976 previously permitted the use of a vehicle, under a contract for hire of more than seven days, to operate legally without the need for the operator, the vehicle or the driver being licensed.

In order for existing businesses to continue to operate, restricted licences were issued for a specified use. For example, those wishing only to use their specially adapted vehicle for an existing school contract could continue to do so regardless of its age or colour. Similarly, those who only operate airport travel services or executive hire have been able to do so under a specific restricted licence.

The purpose of the introduction of restricted licences following the removal of the contract exemption was to ensure that the changes would not interfere with current operations, affect the livelihood of or create undue expense for those involved.

On 19 June, 2009, the Licensing Committee agreed a change to the conditions in relation to the age of vehicles to be accepted for licensing and also incorporated a date by which existing restricted vehicles needed to comply with the age limit. The date is 1 April, 2014.

The condition states "5. Vehicles purchased from new will be re-licensed on merit but if a vehicle when first licensed is of any age up to two years old from date of first registration, it will be re-licensed on merit until it is six years old".

In respect of vehicles that are currently licensed and were more than two years old when first licensed they will need to comply with the above by 1 April, 2014.

Currently 49 vehicles are licensed as restricted private hire vehicles with the City and County of Swansea of these 43 are affected by condition number 5 as they were more than two years old when first licensed.

If this condition is to be complied with by 1 April, 2014, each of the 43 vehicles will need to be reported to the Licensing Committee for decision on the renewal of their licences.

Licensing Officers are currently carrying out a review of all taxi and private hire vehicles, operator and driver licensing criteria, procedures and conditions. A report outlining the outcome of the review and its proposals is expected to be reported for

consideration by General Licensing Committee in the next few weeks, to enable the consultation to be undertaken with the trade and interested parties. The age limit of all vehicles, including restricted private hire vehicles forms part of this review.

Members' asked questions of the Officer who responded accordingly.

**RESOLVED** that:

- a. existing proprietors of restricted private hire vehicles be exempted from complying with condition number 5 of the restricted private hire vehicle conditions, detailed in paragraph 6 of this report; and
- b. Officers renew the vehicle licences, subject to the vehicles passing the Council's test and meeting all other application criteria, until the review of the taxi and private hire vehicle, operator and driver licensing criteria, procedures and conditions has been completed and any changes implemented.

126 **RESULT OF APPEALS**

**RESOLVED** that the results of Appeals be **NOTED**.

127 **EXCLUSION OF THE PUBLIC**

The Committee were requested to exclude the public from the meeting during consideration of the items of business identified in the recommendations to the report on the grounds that they involve 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 items 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 on the agenda.

128 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE 2088 - WAG**

The Divisional Licensing Officer detailed the background details in respect of WAG.

WAG explained the background details and circumstances relating to the offences and answered Members' questions.

The Lawyer advising the Committee read the contents of references supplied by WAG.

**RESOLVED** that:

- a. Renewal of WAG's licences to drive hackney carriage and private hire vehicles be **REFUSED** for 6 months; and
- b. WAG's private hire vehicle licence be **SUSPENDED** for 6 months.

**Reason for Decision**

WAG was not deemed to be a fit and proper person to hold such a driver's licence due to the seriousness of his motoring convictions, particularly the offence of no insurance. The committee took account of the circumstances in which the offences were carried out and the public safety implications of driving without a valid policy of insurance. With regard to the suspension of the private hire vehicle licence the committee considered the same to be reasonable in light of the use of the vehicle in the commission of the offences.

129 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT  
(MISCELLANEOUS PROVISIONS) ACT 1976 - HACKNEY CARRIAGE AND  
PRIVATE HIRE DRIVER'S LICENCE 0005 - CH**

CH failed to supply his licence for inspection.

The Divisional Licensing Officer outlined the background details in respect of CH.

CH explained the background details and circumstances relating to the offence and answered Members' questions.

**RESOLVED** that CH's hackney carriage and private hire driver's licences be **REVOKED**.

**Reason for Decision**

CH was deemed not to be a fit and proper person by reason of his conviction on 30 January 2014 of a major traffic offence. The committee took into account the seriousness of the offence of no insurance, and the applicant's recent driving history for other motoring related offences. The committee also placed weight on the fact that on 27 June 2013 the applicant appeared before the Swansea Magistrates and was warned as to the potential implications of any further motoring offences. The committee listened to the explanation provided by the applicant as to the circumstances of the recent offence but did not feel that same offered any mitigation against revocation, particularly in light of the applicant's failure to make enquiries of the proprietor of the vehicle as to whether an appropriate policy of insurance was in place.

130 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT  
(MISCELLANEOUS PROVISIONS) ACT 1976 - HACKNEY CARRIAGE AND  
PRIVATE DRIVER'S LICENCE 1148 - CT**

CT failed to attend the meeting.

**RESOLVED** that the matter be dealt with in the absence of CT as CT had not provided an explanation for non-attendance.

The Divisional Licensing Officer outlined the background details in respect of CT.

Members' asked questions of the Officer who responded accordingly.

**RESOLVED** that CT be issued with a strongly worded warning letter regarding future conduct.

### **Reason for Decision**

The committee noted serious nature of the Animal Welfare offences, the date of the convictions, and the applicant's complete failure to notify the Authority of the same, either on conviction or on the face of his renewal application. This was despite the clear requirements of condition 36 and bye-law 21 attached to his licence.

131

### **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE - BWD**

The Divisional Licensing Officer detailed the background details in respect of BWD.

BWD outlined the background details and circumstances relating to the offence and answered Members' questions.

**RESOLVED** that BWD's application for the grant of a hackney carriage and private hire driver's licence be **REFUSED**.

### **Reason for Decision**

BWD was not deemed to be a fit and proper person due to by reason of the nature and number of his convictions for speeding resulting in the recent disqualification. The committee took account of the fact that the offences which resulted in the disqualification were all committed within close proximity to each other, that all were committed whilst driving a taxi, and that the applicant was unable to offer any mitigating circumstances in relation to their commission. The committee also had regard to the fact that the applicant had held a licence to drive both hackney carriage and private hire vehicles during the period in which he was convicted of the offences resulting in his disqualification, but had failed to notify the Licensing Division of these convictions in breach of condition 36 and bye-law 21.

The meeting ended at 11.50 am

**CHAIR**