

CITY AND COUNTY OF SWANSEA

MINUTES OF THE MEETING OF THE SPECIAL GENERAL LICENSING COMMITTEE

HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, SWANSEA ON
THURSDAY 31 JULY 2014 AT 10.00 A.M.

PRESENT: Councillor P M Matthews (Chair) presided

Councillor(s):

A C S Colburn
D W Cole
P Downing

Councillor(s):

C E Lloyd
P Lloyd
K E Marsh

Councillor(s):

H M Morris
B G Owen
C L Philpott

Officers:

L Anthony - Divisional Officer, Licensing and Food Safety
L Thomas - Senior Lawyer
Y Lewis - Licensing Officer
J Parkhouse - Democratic Services Officer

49. **APOLOGIES FOR ABSENCE**

There were none.

50. **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS**

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

51. **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 item 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 item on the agenda.

(CLOSED SESSION)

52. **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1976 - HACKNEY
CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - LAJ**

The Committee were informed that LAJ had failed to attend the meeting and had not provided an explanation for non-attendance.

The Licensing Officer outlined the background details in respect of LAJ.

Members asked questions of the officer and legal representative, who responded accordingly.

RESOLVED that:

- (1) the matter be dealt with in the absence of LAJ as LAJ had failed to notify the committee he required a deferral or adjournment of the hearing and had not provided an explanation for non-attendance;
- (2) LAJ's driver's licence be revoked as he was not considered a fit and proper person;
- (3) revocation to be made with immediate effect in the interests of public safety.

Reasons:

- **Resolution (1)**

- (a) The Committee considered a decision was required without further delay as it was in the public interest for the protection of the public.
- (b) LAJ failed to notify the Committee he required a deferral/adjournment of the hearing and provide reasons for his non-attendance.
- (c) LAJ's current suspension of licence was due to expire today.

- **Resolution (2)**

- (a) Because of the matters raised above.
- (b) LAJ had pleaded guilty to an offence under Section 39, Criminal Justice Act 1988.

Minutes of the Meeting of the Special General Licensing Committee
(31.07.2014) Cont'd

- (c) The nature of the incident leading to the conviction for which he had been convicted as reported to the Committee.
- (d) LAJ's saliva sample provided on 2 June 2014 had on two occasions provided a positive drug test for cocaine, a class A drug.
- (e) His admission of having a drug problem.
- (f) His admission to taking cocaine on 26 May 2014.
- (g) The information provided with regard to the sentencing of LAJ as follows: Community Order made. Defendant must comply with the following requirements by 24 July 2015: Drug rehabilitation requirement: have treatment for drug dependency by or under the direction of the Probation Officer at West Glamorgan House, Orchard Street, Swansea as a non-resident patient for 6 months. Supervision requirement: attend appointments with the responsible officer or another person at such times and places as the officer says. (Low level DRR) unpaid work for 150 hours within the next 12 months. This work to be supervised by the responsible officer.
- (h) No information being provided by LAJ as to the extent of his drug problem and how it had been and/or was being addressed.
- (i) On the information made available to them the Committee resolved to attach no weight to the contents of the GP's letter and were not satisfied LAJ met the required DVLA Group 2 medical standard.
- (j) The Committee felt, having regard to all the information before them, there was no reason to depart from the guidelines in the report regarding convictions involving violence. LAJ did not have at least three years free of such convictions which the Committee felt was necessary for an offence involving violence having regard to the nature and details of the incident on which the conviction was based.

Minutes of the Meeting of the Special General Licensing Committee
(31.07.2014) Cont'd

(k) The Committee had given LAJ a warning about the importance of the conditions attached to his licence in October 2009 and a further warning regarding his future conduct in February 2012. LAJ's licence had been revoked in June 2010 but he had been given another chance and granted a licence in February 2012.

- **Resolution (3)**

(a) Because of the reasons for decisions in Decisions 1 and 2 above.

The meeting ended at 10.30 a.m.

CHAIR