

CITY AND COUNTY OF SWANSEA

MINUTES OF THE GENERAL LICENSING COMMITTEE

HELD AT COUNCIL CHAMBER, GUILDHALL, SWANSEA ON FRIDAY,
11 DECEMBER 2015 AT 10.00 AM

PRESENT: Councillor P M Matthews (Chair) Presided

Councillor(s)	Councillor(s)	Councillor(s)
A C S Colburn	D W Cole	A M Cook
P Downing	V M Evans	K E Marsh
H M Morris	C L Philpott	T H Rees

Apologies for Absence

Councillor(s): J P Curtice and P Lloyd

Officers:

L Anthony – Divisional Licensing Officer
Y Lewis - Licensing Officer
L Thomas – Senior Lawyer
G Borsden – Democratic Services Officer

72 **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 V M Evans – Minute Nos. 74(LJ) & 79(MAJ) - I know both applicants - personal and prejudicial and left the meeting prior to discussion on these items.

73 **MINUTES.**

RESOLVED that the Minutes of the General Licensing Committee Meeting held on 13 November 2015 be approved as a correct record.

74 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR THE SUBSTITUTION OF A PRIVATE HIRE VEHICLE - FORD FOCUS (EU60 CGX) - A STAR MINI TRAVEL - MR LEE JONES.**

The Divisional Licensing Officer advised that an application to substitute a vehicle on an existing private hire vehicle licence had been received from Mr Lee Jones. The vehicle was a white Ford Focus, Registration Mark EU60 CGX and was capable of carrying four passengers.

The vehicle did not comply with the current licensing criteria set out by the Authority due to its age.

Members noted the background, relevant issues in relation to Hackney Carriage Vehicles, Department for Transport - Taxi and Private Hire Licensing; Best Practice Guidance; March 2010 and legislation relating to the licensing of Private Hire Vehicles.

RESOLVED that the application made by Mr. Lee Jones to substitute the white Ford Focus, Registration Mark EU60 CGX onto the private hire vehicle licence 4692 **BE APPROVED** and renewed on merit.

75 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE - FORD TRANSIT (CV10 ZVA) - MR SIMON STERN.**

The Divisional Licensing Officer advised that an application to licence a restricted private hire vehicle had been received from Mr S Stern. The vehicle was Ford Transit, registration mark CV10 ZVA and was capable of carrying eight passengers.

The vehicle did not comply with the current licensing criteria set out by the Authority due to its age. Mr Stern wished to use the restricted private hire vehicle, if licensed, for the purposes of school transport, airport travel and/or executive hire only.

Members noted the inspections and documents, Department of Transport, Taxi and Private Hire Licensing: Best Practice Guidance: March 2010; and the legislation relating to the licensing of Private Hire Vehicles.

RESOLVED that the application made by Mr S Stern for a restricted private hire vehicle licence in respect of the Ford Transit, vehicle registration mark CV10 ZVA **BE APPROVED** and renewed on merit.

76 **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/they 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)

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

The Divisional Licensing Officer detailed the background information in respect of PJCT's renewal application. She indicated that due to issues regarding his renewal, his licence had been extended until today in order that Committee could consider the matter.

PJCT outlined the background details and circumstances relating to the reasons behind his failure to disclose relevant medical details on his renewal application and answered members' questions relating to the matter.

RESOLVED that PJCT's hackney carriage and private hire driver's licence renewal application **BE REFUSED** under Section 61 (1) (b) of the Local Government (Miscellaneous Provisions) Act 1976.

Reason for Decision

Members were not satisfied that he is a fit and proper person to hold a HC/PHV driver's licence due to:-

PJCT had held a licence since 1996 and should therefore have known the process for renewing and what was required to be disclosed.

Found on the information provided in the report and representations made at committee it was clear PJCT was not fit to drive between 23/9/15 and 6/11/15

At the time of submitting his renewal application on 29/10/15 PJCT knew he was not fit to drive but failed to advise the Authority as he was required to do

Knowing he was not fit to drive he chose to undertake his school contract and drive children between 23/9/15 and 6/11/15.

Going forward the Members did not feel PJCT would inform the Authority of a change of circumstances as he was required to do putting the safety of the travelling public at risk.

78 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A HACKNEY
CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - BAM.**

The Divisional Licensing Officer detailed the background information in respect of BAM.

BAM and Mr M outlined the background details and circumstances relating to BAM's convictions and answered members' questions.

RESOLVED that BAM's application for a hackney carriage and private hire driver's licence **BE APPROVED**.

79 **EQUALITY ACT 2010 - PASSENGERS IN WHEELCHAIRS - REQUEST FOR AN EXEMPTION CERTIFICATE - MAJ.**

The Licensing Officer reported on the request from MAJ for an exemption certificate from carrying wheelchairs for a period due to a knee injury.

The report from MAJ's doctor was detailed.

Members asked questions of MAJ who responded accordingly.

RESOLVED that MAJ's application for an exemption from carrying wheelchair users in her hackney carriage vehicle **BE APPROVED** for a period until 8 January 2016 but due to her disclosure regarding her additional medical condition she be required to undertake an appropriate Medical Assessment to establish whether she is fit to continue to drive.

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

The Divisional Licensing Officer detailed the background information in respect of MK.

MK outlined the background details and circumstances relating to his conviction and answered members' questions.

RESOLVED that MK be issued with a warning letter regarding future conduct.

81 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A RESTRICTED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - D-CD.**

The Divisional Licensing Officer detailed the background information in respect of D-CD.

D-CD outlined the background details and circumstances relating to his conviction and answered members' questions.

RESOLVED that D-CD's restricted hackney carriage and private hire driver's Licence application **BE REFUSED** under Section 51(1) (a) and 59(1) (a) of the Local Government (Miscellaneous Provisions) Act 1976.

Reason for Decision

Members were not satisfied having heard from D-CD that he is a fit and proper person to hold a restricted HC/PHV driver's licence due to his conviction for theft as he had not had at least 3 years free from convictions in line with the guidelines and the Committee were not persuaded by D-CD that they should depart from the said guidelines especially as he would be driving vulnerable groups if granted a licence.

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

The Divisional Licensing Officer detailed the background information in respect of ZJ.

ZJ and Mr Jeffries (Solicitor) outlined the background details and circumstances relating to her caution and answered members' questions relating to the incident.

RESOLVED that ZJ be issued with a warning letter regarding future conduct.

The meeting ended at 11.50 am

CHAIR