

CITY AND COUNTY OF SWANSEA

MINUTES OF THE GENERAL LICENSING COMMITTEE

HELD AT COUNCIL CHAMBER, GUILDHALL, SWANSEA ON FRIDAY,
13 JANUARY 2017 AT 10.00 AM

PRESENT: Councillor P M Matthews (Chair) Presided

Councillor(s)

C Anderson
J P Curtice
P Lloyd
C L Philpott

Councillor(s)

A C S Colburn
P Downing
K E Marsh
T H Rees

Councillor(s)

A M Cook
V M Evans
H M Morris

Officer(s)

L Anthony
R Jenkins
G White
S Woon

Divisional Officer, Licensing, Food and Safety
Licensing Officer
Legal Officer
Democratic Services Officer

70 **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.

71 **MINUTES:**

RESOLVED that the minutes of the General Licensing Committee held on 9 December, 2016, be agreed as a correct record.

72 **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.

It was **RESOLVED** that the public be excluded for the following items of business.

(CLOSED SESSION)

73 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR THE GRANT OF A RESTRICTED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - AGB.**

The Divisional Officer, Licensing, Food & Safety, detailed the background in respect of AGB.

GJ, Licensing Officer, Neath Port Talbot Council, referred to his written statement and answered Members questions.

AGB explained the circumstances of the caution and answered Members questions.

RESOLVED that AGB's application for the grant of a Restricted Hackney Carriage and Private Hire Driver's Licence be **REFUSED under Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976**

Reason for Decision

1. The onus was on the Applicant to demonstrate that the applicant was a fit and proper person to hold a licence. The Applicant had failed to satisfy the Committee that they were a fit and proper person to hold a licence.
2. On the balance of probabilities that a refusal of the application was necessary in order to safeguard vulnerable persons as the Committee were satisfied that the Applicant's conduct had been both negligent and irresponsible.
3. The Applicant had failed to satisfy the Committee that if a licence was granted, that they did not pose a threat to the public.
4. The Applicant's evidence at the hearing was at times contradictory to the evidence given. The explanations surrounding the application were not considered to be adequate.

74 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - DUAL BADGE DRIVER - BADGE NUMBER 2327 - ALD.**

The Divisional Officer, Licensing, Food & Safety, detailed the background in respect of ALD and answered Members questions.

ALD explained the circumstances of the endorsements and answered Members questions.

RESOLVED that ALD be issued with a strong warning letter and ALD's Hackney Carriage and Private Hire Driver's Licence be **SUSPENDED FOR ONE MONTH under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.**

Reason for Decision

1. The Committee felt the applicant should be concentrating on his driving.
2. The Committee were concerned as to the Applicant's attitude towards driving, as in the past, their attitude appeared careless. Taxi drivers hold a very responsible position by ensuring the public are able to travel safely and securely.
3. At a previous General Licence Committee, the Committee decided to renew the Applicant's dual licence and provided the Applicant with an opportunity to prove themselves following their traffic offences. The Applicant has not demonstrated to the Committee that they have addressed their attitude towards traffic offences particularly as passengers were on board.

75 **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 - ELL.**

The Divisional Officer, Licensing, Food & Safety, detailed the background in respect of ELL and answered Members' questions.

ELL explained the circumstances of the convictions and answered Members questions.

RESOLVED that;

- a) ELL's application for the grant of a Hackney Carriage and Private Hire Driver's Licence be **APPROVED under Section 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976**; and
- b) ELL be issued with a strong warning letter regarding future conduct.

76 **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 - KMH.**

The Divisional Officer, Licensing, Food & Safety, detailed the background in respect of KMH.

KMH explained the circumstances of the endorsements and answered Members questions.

RESOLVED that:

- a) KMH's application for the grant of a Restricted Hackney Carriage and Private Hire Driver's Licence be **APPROVED under Section 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976**;
- b) KMH be issued with a strong warning letter regarding future conduct.

77 **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 - MT.**

The Divisional Officer, Licensing, Food & Safety, detailed the background in respect of MT.

MT explained the circumstances of the caution and answered Members questions.

RESOLVED that:

- a) MT's application for the grant of a Restricted Hackney Carriage and Private Hire Driver's Licence be **APPROVED under Section 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976**; and
- b) MT be issued with a strong warning letter regarding future conduct.

The meeting ended at 11.34 am

CHAIR