

CITY AND COUNTY OF SWANSEA

MINUTES OF THE GENERAL LICENSING COMMITTEE

HELD AT COUNCIL CHAMBER, GUILDHALL, SWANSEA ON FRIDAY,

21 APRIL 2017

AT 10.00 AM

PRESENT: Councillor P M Matthews (Chair) Presided

Councillor(s)

C Anderson

V M Evans

C L Philpott

Councillor(s)

A C S Colburn

P Lloyd

Councillor(s)

A M Cook

H M Morris

Officer(s)

Lynda Anthony

Richard Jenkins

Gavin White

Divisional Officer, Licensing, Food and Safety

Licensing Officer

Solicitor

Apologies for Absence

Councillor(s): J P Curtice, P Downing and K E Marsh

94 **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.

95 **MINUTES:**

RESOLVED that the minutes of the General Licensing Committee held on 10 March, 2017 be agreed as a correct record.

96 **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)

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

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

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

RESOLVED that JW's application for the grant of a 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. A taxi driver holds a very responsible position & a large number of persons depend on taxi drivers in or around the Swansea area. It is paramount, therefore, that a driver is a fit and proper person.
2. The Committee were satisfied the convictions for theft in 2015 were very serious.
3. The Committee heard orally from JW, and the contents of both letters – including one from the local MP - were read. The Committee considered whether it should depart from its Guidelines. Ultimately, due to the severity of the convictions, Members were not satisfied that it was appropriate to reasonable depart from the Guidelines having regard to all the circumstances.
4. Members were not satisfied that JW was a fit and proper person and the Committee considered it necessary to apply the Guidelines which requires a driver should be able to demonstrate a period of three to five years free of any convictions.

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

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

LS, assisted by Mr Warren, Solicitor, explained the circumstances of the convictions and answered Members' questions.

RESOLVED: that LS's application for the grant of a Restricted Hackney Carriage and Private Hire Driver's Licence be **APPROVED** under sections 51, and 59 of the Local Government (Miscellaneous Provisions) Act 1976.

99 **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 - SMS.**

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

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

RESOLVED that SMS's application for the grant of a Restricted Hackney Carriage and Private Hire Driver's Licence be **APPROVED** under sections 51, and 59 of the Local Government (Miscellaneous Provisions) Act 1976.

100 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - DUAL BADGE DRIVER - SCT.**

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

SCT, accompanied by Mr Warren, Solicitor, explained the circumstances of the convictions and answered Members questions.

RESOLVED that SCT be issued with a strong warning letter and no further action be taken in respect of SCT's hackney carriage and private hire licences.

101 **EQUALITY ACT 2010 - ASSISTANCE DOGS IN TAXIS - REQUEST FOR AN EXEMPTION CERTIFICATE - TAA.**

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

TAA, accompanied by Mr Warren, Solicitor, explained the circumstances of the convictions and answered Members questions.

RESOLVED that TAA's application for an exemption certificate in relation to assistance dogs in taxis and private hire vehicles be **REFUSED** under sections 169, and 171 of the Equality Act 2010.

Reason for Decision

1. The Committee felt that a taxi driver holds a very responsible position and a large number of people depend on taxi drivers for mobility which includes vulnerable and disabled passengers.
2. The Committee will grant an exemption certificate in circumstances where they are content and satisfied with the medical evidence provided. Members were of the view that the two letters from the GP surgery did not provide sufficient detail as to how the medical condition effected and/or affects TAA. The Committee

were concerned that the GP(s) had not witnessed the effects of the allergy or saw the extent of its affects.

3. Furthermore, the Committee noted that TAA has not undergone any assessment by a medical practitioner. It appeared to the Members that TAA informed the pharmacist and GP(s) and they have made diagnoses on the information TAA provided.
4. TAA confirmed no allergy test has been conducted. The Members noted that such documentary evidence would have been useful
5. Subsequently, there was a lack of medical evidence, as no document submitted by TAA formally confirms TAA suffers from an allergy to dogs.
6. TAA confirmed on the last occasion whereby hives appeared was during October 2016 – some six months ago.
7. The Committee raised further concerns with the lack of medical evidence as there were unsure whether TAA suffered from an acute or chronic allergy.
8. TAA was not able to confirm how long, after being in contact with dogs, it would take to have an effect. Additionally, it was not made clear the length of time it would take for the symptoms to subside. TAA was unsure, and unable to confirm, how near a dog would have to be in proximity before TAA's symptoms would appear.
9. Save for an itch on TAA's skin, it was unclear why an exemption certificate would be required. It was not clear how the allergy affects TAA's ability to drive.
10. Members noted that TAA knew of the taxi conditions and a taxi driver was to disclose a medical condition - which may affect their driving - to the Licensing Authority. The Committee were concerned that TAA knew of the allergy in October 2017 but did not request an exemption certificate until 16th December 2016 – a short while after a complainant complained.
11. The Committee felt that there was not enough sufficient evidence before them to grant an exemption certificate.

102 **EQUALITY ACT 2010 - PASSENGERS IN WHEELCHAIRS - REQUEST FOR AN EXEMPTION CERTIFICATE - WJG.**

The Divisional Officer, Licensing, Food & Safety, detailed the background in respect of WJG and reported that WJG had stated WJG was unable to attend the meeting and requested that the Committee dealt with the matter in his absence.

RESOLVED that consideration of WJG's application for an exemption certificate in relation to passengers in wheelchairs be **DEFERRED** to a future meeting.

The meeting ended at 11.30 am

CHAIR