

CITY AND COUNTY OF SWANSEA

MINUTES OF THE GENERAL LICENSING COMMITTEE

**HELD AT COUNCIL CHAMBER, CIVIC CENTRE, SWANSEA ON
FRIDAY, 14 JULY 2017 AT 10.00 AM**

PRESENT: Councillor P M Matthews (Chair) Presided

Councillor(s)

P Downing
P Lloyd
L V Walton

Councillor(s)

V M Evans
C L Philpott

Councillor(s)

S J Gallagher
B J Rowlands

Officer(s)

Lynda Anthony
Gareth Borsden
Aled Gruffydd
Kath Thomas

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

Apologies for Absence

Councillor(s): C Anderson, J P Curtice, H M Morris and L G Thomas

22 **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.

23 **MINUTES.**

RESOLVED that the minutes of the General Licensing Committees held on 16 June, 2017 and 30 June, 2017 be agreed as a correct records.

24 **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)

25 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS ACT 1976) - DUAL BADGE DRIVER - SJH.**

The Divisional Officer, Licensing, Food & Safety, detailed the background in respect of SJH and answered Members' questions relating to the deferment at the 16 June meeting relating to SJH's medical condition. She indicated that his licence had been temporarily suspended following that meeting whilst information was sought from his GP regarding his fitness to drive vehicles, this confirmation had since been received from his GP and his suspension lifted.

SJH explained the circumstances of his medical condition and answered Member's questions relating to his conviction.

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

26 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS ACT 1976) - DUAL BADGE DRIVER - CIS.**

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

CIS explained the circumstances of his convictions and answered Member's questions relating to the offences.

RESOLVED that CIS's Dual badge licence be suspended for 4 weeks.

Reason for Decision

The Licensing committee applied the guidelines in relation to traffic offences

- a previous warning has already be given with regards to speeding,
- the offence was committed within 3 months of the previous warning being given,
- the severity of the offence may not have been fully appreciated by the applicant,
- a further warning is unlikely to have been heeded therefore a suspension is warranted.

27 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS ACT 1976) - APPLICATION FOR THE GRANT OF A RESTRICTED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE - LLS.**

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

LLS explained the circumstances of the caution and answered Member's questions.

RESOLVED that LLS's application for the grant of a restricted hackney carriage and private hire drivers licence be **APPROVED** under sections 51 & 59 of the Local Government (Miscellaneous Provisions) Act 1976 and LLS be issued with a warning letter regarding future conduct.

28 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS ACT 1976) - NM.**

The Divisional Officer, Licensing, Food & Safety outlined that NM was not in attendance, but had indicated that he was happy for Committee to consider the matter in his absence. Members agreed to hear the matter in his absence.

She detailed the background in respect of NM convictions and the failure to inform the Authority of the offences and answered Members' questions.

RESOLVED that NM's Hackney Carriage and Private Hire Drivers licences be revoked.

Reason for Decision

The failed to comply with his licence conditions by failing to return a DVLA mandate as requested by licensing officers to allow them to conduct an annual check of his DVLA licence.

The applicant was not deemed a fit and proper person following his convictions for violence, and the applicant had previously been warned about any future conduct when his licence was granted in April 2016.

29 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS ACT 1976) - APPLICATION FOR THE GRANT
OF A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE - PTJ.**

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

PTJ explained the circumstances of his conviction and answered Member's questions.

RESOLVED that PTJ's application for the grant of a hackney carriage and private hire drivers licence be **APPROVED** under sections 51 & 59 of the Local Government (Miscellaneous Provisions) Act 1976 and PTJ be issued with a warning letter regarding future conduct.

30 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS ACT 1976) - DUAL
BADGE DRIVER - TJH.**

The Divisional Officer, Licensing, Food & Safety, detailed the background in respect of TJH's application for renewal of her hackney carriage and private hire driver's licences and answered Members' questions.

She provided details of TJH's previous appearances before the Licensing Committee and the Committee's decisions in respect of the matters considered. TJH had also received two written warnings for failing to declare previous motoring convictions in accordance with conditions of licence. TJH had however informed the Authority of the most recent offence for which she had received a fixed penalty ticket, on her renewal application.

TJH explained the circumstances of her offence and answered Member's questions relating to the matter.

RESOLVED that

- 1) TJH's Dual badge licence be suspended for 6 months.

Reason for Decision

The applicant has a history of failing to notify the licensing department of any convictions or breaches of the licence conditions, the applicant was given a number of previous warnings which were not heeded and the severity of the offence may not have been fully appreciated by the applicant.

- 2) That no action be taken regarding TJH's Private Hire Vehicle licence.

The meeting ended at 11.25 am

CHAIR