

CITY AND COUNTY OF SWANSEA

MINUTES OF THE GENERAL LICENSING COMMITTEE

HELD AT COUNCIL CHAMBER, GUILDHALL, SWANSEA ON FRIDAY,
11 AUGUST 2017 AT 10.00 AM

PRESENT: Councillor P M Matthews (Chair) Presided

Councillor(s)

C Anderson

V M Evans

C L Philpott

Councillor(s)

J P Curtice

S J Gallagher

B J Rowlands

Councillor(s)

P Downing

P Lloyd

L V Walton

Officer(s)

L Anthony

K Thomas

Divisional Officer, Licensing, Food and Safety
Licensing Officer

S Woon

G White

Democratic Services Officer

Solicitor

Apologies for Absence

Councillor(s): H M Morris and L G Thomas

31 **TO RECEIVE DISCLOSURES OF PERSONAL & PREJUDICIAL INTERESTS
FROM MEMBERS.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interests were declared:

Councillor C Anderson – Personal – Minute no. 35 - Town Police Clauses Act 1847 – Local Government (Miscellaneous Provisions) Act 1076 – Application for the Grant of a Hackney Carriage and Private Hire Driver’s Licence – PJCT – individual is known to me. Councillor C Anderson left prior to consideration of this item.

Councillor J P Curtice – Personal – Minute no. 34 – Town Police Clauses Act 1847 – Local Government (Miscellaneous Provisions) Act 1976 – Dual Badge Driver – TJH – individual is known to me. Councillor J P Curtice left the meeting prior to consideration of this item.

32 **MINUTES:**

RESOLVED that the Minutes of General Licensing Committee held on 14 July, 2017, be agreed as a correct record.

33 **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)

34 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - DUAL BADGE DRIVER - TJH.**

The Solicitor detailed the reasons as to why this matter was before Committee. TJH was previously before the General Licensing Committee, on 14th July 2017, due to two issues:

- a. Vehicle licence; &
- b. Hackney Carriage and Private Hire driver licences.

At the last Committee Hearing on 14th July 2017, Members decided not to take any further action in relation to the Vehicle licence.

In relation to the Hackney Carriage and Private Hire driver licence, there was a procedural error which meant Members dealt with the matter as a disciplinary and not as a renewal. This oversight was identified and would be rectified at this Committee Hearing – 11th August 2017. It was made clear that TJH had not been prejudiced as the Applicant's Hackney Carriage and Private Hire driver licence had been extended from 14th July 2017 to 11th August 2017.

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

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

RESOLVED that

- 1) TJH's Hackney Carriage and Private Hire Driver Licences be **RENEWED** under the Local Government (Miscellaneous Provisions) Act 1976 and TJH be issued with a strong warning letter regarding dishonesty.

35 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE - PJCT.**

The Divisional Officer, Licensing, Food & Safety, detailed the background in respect of PJCT's hackney carriage and private hire driver licence and answered Member and Officer questions.

PJCT explained the circumstances of the request and answered Member's questions relating to the matter.

RESOLVED that:

- 1) PJCT to submit a Group 2 Medical Certificate on an annual basis and attend three monthly examinations with the GP nurse in respect of the medical condition. The reports of all medical examinations to be provided to the Licensing Section within 5 working days of issue.

Reason for Decision

- 1) The Committee heard from PJCT as to why the Applicant was seeking to review the additional conditions. PJCT was of the opinion that a Group 2 Medical Certificate, every six months was unnecessary as PJCT's health had improved over the last year.
- 2) PJCT did offer to continue with the three monthly examination by the GP's surgery nurse in respect of the medical condition. PJCT also offered to submit a Group 2 Medical Certificate annually instead of each six months.
- 3) A taxi driver holds a very responsible position and the health of a taxi driver is very important. The Committee were encouraged to hear PJCT's health has improved, is serious in regard to health and is committed to ensuring the Applicant remains healthy.
- 4) The Committee accepted PJCT's proposals of submitting a Group 2 Medical Certificate each year and by submitting the three monthly reports from the GP's surgery nurse in respect of PJCS's medical condition.

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

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

AJR explained the circumstances of the offence/endorsement and answered Member and Officer questions relating to the matter.

RESOLVED that:

- 1) AJR'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 &, for many, they represent the face of the City & County of Swansea. It was noted that 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 minded that there appeared to be an absence of any real mitigation nor was there any attempt by AJR to address their propensity to speed. There appeared to be a disregard to the motoring offences.
- 3) There Applicant appeared to show no remorse for the driving offences and Members had no confidence in AJR. The Committee did note that the last conviction for a motoring offence was committed whilst there were passengers in the taxi.
- 4) The Committee heard AJR had not voluntarily enrolled on a speed awareness course as there were financial issues. Even though the Committee understood applicants may have financial pressures or issues, ultimately, Members cannot take personal circumstances into account when considering whether AJR was fit and proper to hold a licence.
- 5) The Committee were of the view that AJR may wish to voluntary enrol themselves on a speed awareness course in the future.
- 6) Members were concerned that AJR spent the majority of the Hearing taking issue with the particular code of a motoring offence. The Applicant claimed the code was wrong but confirmed the offence was in relation to speeding. The Committee were of the opinion, AJR should have used this time more wisely to evidence the Applicant was a fit and proper person.
- 7) The Committee did not deem AJR to be a fit and proper person.

The meeting ended at 11.08 am

CHAIR