



City and County of Swansea

Minutes of the **General Licensing Committee**

Council Chamber, Guildhall, Swansea

Friday, 13 July 2018 at 10.00 am

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)

J P Curtice
P Lloyd
B J Rowlands

Councillor(s)

P Downing
H M Morris
L G Thomas

Councillor(s)

S J Gallagher
C L Philpott
L V Walton

Officer(s)

Lynda Anthony
Gareth Borsden
Craig Davies
Aled Gruffydd
Richard Jenkins
Becca John

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

Apologies for Absence

Councillor(s): C Anderson and N J Davies

11 **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 S J Gallagher – Minute No. 15 - Local Government (Miscellaneous Provisions) Act 1976 - Restricted Private Hire Vehicle - Request for Exemption from Displaying the Door Stickers and the Licence Plate - Restricted Private Hire Vehicle RV 181, 208 and 245 - Mr Paul Thomas Finch – Personal – I know the Applicant and left prior to discussion and Minute No.20 - 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 – ML - Personal – I know the Applicant and left prior to discussion.

12 **Minutes.**

Resolved that the minutes of the General Licensing Committee held on 8 June be agreed as a correct record.

13 Town Police Clauses Act 1847 - Local Government (Miscellaneous Provisions) Act 1976 - Application for the Grant of a Licence for a Hackney Carriage Vehicle, VW Caddy Maxi - Registration Mark NK58 GXL.

The Divisional Officer, Licensing, Food & Safety advised that Mr Wayne Harris had submitted an application for the grant of a hackney carriage vehicle licence for a Volkswagen Caddy Maxi MPV vehicle. The vehicle is not purpose built but has been converted for use as a rear loading wheelchair accessible hackney carriage vehicle.

The background history relating to the licensing of such vehicles in Swansea was detailed and outlined in detail, as well as the number of similar type vehicles currently registered.

The relevant position regarding the licensing of such vehicles in other authorities within Wales was also outlined.

The vehicle had passed the relevant council inspection.

Mr P Warren (solicitor) spoke in support of the application.

Resolved that

- 1) the application made by PW & EK Harris Taxi Hire Ltd to licence the VW Caddy Maxi, vehicle registration mark NK58 GXL as a rear wheelchair accessible hackney carriage be approved.
- 2) a report be brought back to the next meeting relating to the granting to officers of delegated powers to deal with applications of a similar nature to this one.

14 Local Government (Miscellaneous Provisions) Act 1976 - Restricted Private Hire Vehicle - Request for Exemption from Displaying the Door Stickers and the Licence Plate - Restricted Private Hire Vehicle RV 178 and 308 - Mr Paul Matthews.

The Divisional Officer, Licensing, Food & Safety advised Committee that Mr Matthews had contacted Officers to say he was unable to attend the meeting

Resolved that Mr Matthews application be deferred to the next meeting.

15 Local Government (Miscellaneous Provisions) Act 1976 - Restricted Private Hire Vehicle - Request for Exemption from Displaying the Door Stickers and the Licence Plate - Restricted Private Hire Vehicle RV 181, 208 and 245 - Mr Paul Thomas Finch.

The Divisional Officer, Licensing, Food & Safety advised that Mr Finch had submitted a request for an exemption from displaying the door stickers and licence plate on the exterior of his restricted private hire vehicles, RV 181, 208 & 245. The reason for the request was that his business was pre-booked executive travel/airport runs and he did not use the vehicle for school runs or taxi work.

Mr Finch spoke in support of his application.

Members' noted the current conditions and asked questions of both the Officers and Mr Finch.

Resolved that Mr Finch request for an exemption from displaying the door stickers and licence plate on the exterior of his restricted private hire vehicles, RV178 & 308 be **Granted** with the following conditions:

1. The restricted licence issued by the Council must be displayed in the front windscreen of the vehicle on the nearside. It must be clearly visible at all times when the vehicle is being used for executive hire and airport travel. The vehicle licence must be returned to the Council on expiry;
2. This exemption does not apply if the vehicle is to be used for school transport;
3. that a report be brought back to the next meeting relating to the granting to officers of delegated powers to deal with applications of a similar nature to this one.

16 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.

Resolved that the public be excluded for the following items of business.

(Closed Session)

17 Town Police Clauses Act 1847 - Local Government (Miscellaneous Provisions) Act 1976 - Hackney Carriage and Private Hire Driver's Licence 2505 - NM.

The Divisional Officer, Licensing, Food & Safety, detailed the background in respect of NM's hackney carriage and private hire driver's licences and vehicle licence and outlined the conviction received by NM.

She indicated that NM had informed the Department of his conviction.

NM accompanied by his solicitor Miss W explained the circumstances of the offence and conviction and answered Member questions relating to the matter.

Members sought clarity from Officers on several issues raised by NM during his submission.

Resolved that the matter be deferred to the next meeting for Officers to gather further information on the issues raised by NM.

18 Town Police Clauses Act 1847 - Local Government (Miscellaneous Provisions) Act 1976 - Restricted Hackney Carriage and Private Hire Driver - SAC.

The Divisional Officer, Licensing, Food & Safety advised Committee that SAC had contacted Officers to say she was unable to attend the meeting due to illness.

Resolved that SAC's application be deferred to the next meeting.

19 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 - GRJ.

The Divisional Officer, Licensing, Food and Safety, detailed the background in respect of GRJ's application for the grant of a hackney carriage and private hire driver's licence.

Members asked questions of the Officers who responded accordingly.

GRJ explained the circumstances relating to the matter and answered Members' questions.

Resolved that GRJ's application for the grant of a restricted hackney carriage and private hire driver's licence be **refused**.

Reason for Decision

The Committee did not believe that GRJ was a fit and proper person. The applicant has come within 12 months of his licence being returned following a 12 month ban for driving under influence and then driving whilst disqualified. Guidelines state 3 years for drunkenness with a motor vehicle. No justification to depart from guidelines on this occasion.

20 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 - ML.

The Divisional Officer, Licensing, Food and Safety, detailed the background in respect of ML's application for the grant of a restricted hackney carriage and private hire driver's licence.

ML explained the circumstances relating to his offences and convictions and answered Members' questions.

Resolved that ML's application for the grant of a restricted hackney carriage and private hire driver's licence be **approved** for a period of one year and subject to a warning letter regarding his future conduct.

Reason for decision

The Committee were concerned at the extent of the applicant's previous offending but accepted his evidence that he was turning his life around.

21 Immediate Action Update.

The Immediate Action Update was noted.

The meeting ended at 11.42 am

Chair