



City and County of Swansea

Minutes of the **General Licensing Committee**

Council Chamber - Guildhall, Swansea

Friday, 10 January 2020 at 10.00 am

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)

C Anderson
S J Gallagher
C L Philpott
L V Walton

Councillor(s)

J P Curtice
P Lloyd
B J Rowlands

Councillor(s)

P Downing
H M Morris
L G Thomas

Officer(s)

Yvonne Lewis
Kath Thomas
Aled Gruffydd
Samantha Woon

Team Leader, Licensing
Licensing Officer
Lawyer
Democratic Services Officer

Apologies for Absence

Councillor(s): N J Davies

48 **Disclosures of Personal and Prejudicial Interest.**

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

- 1) Councillor C Anderson declared a Personal Interest in Minute Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 – Hackney Carriage and Private Hire Driver’s Licence – JP – Applicant is known to me. Councillor Anderson left the meeting prior to consideration of the item.
- 2) Councillor C Anderson declared a Personal Interest in Minute Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 – Hackney Carriage and Private Hire Driver’s Licence/Hackney Carriage Vehicle Licence – BJE – Applicant is known to me. Councillor Anderson left the meeting prior to consideration of the item.

49 **Minutes.**

Resolved that the Minutes of the General Licensing Committee held on 6 December, 2019 be agreed as a correct record.

50 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)

51 Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 - Hackney Carriage and Private Hire Driver's Licence/Hackney Carriage Vehicle Licence - BJE.

The Team Leader, Licensing, detailed the background in respect of BJE.

Members' asked questions of the Officers who responded accordingly.

BJE, accompanied by Mr B, Solicitor, explained the circumstances relating to the incident and answered Members' questions.

Resolved that BJE be issued with a warning regarding future conduct in respect of the hackney carriage and private hire driver's licence held and no action be taken in respect of BJE's vehicle licence.

52 Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 - Application for the Grant of a Restricted Hackney Carriage and Private Hire Driver's Licence - SCE.

The Team Leader, Licensing, detailed the background in respect of SCE.

Members' asked questions of the Officers who responded accordingly.

SCE, accompanied by a family member, explained the circumstances relating to the incident and answered Members' questions.

Resolved that SCE be granted a restricted hackney carriage and private hire driver's licence and be issued with a warning regarding future conduct.

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

The Team Leader, Licensing, detailed the background in respect of JP.

Members' asked questions of the Officers who responded accordingly.

JP explained the circumstances relating to the incident and answered Members' questions.

Resolved that no further action be taken in respect of JP's Hackney Carriage and Private Hire Driver's Licence.

54 Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 - Application for the Grant of a Restricted Hackney Carriage and Private Hire Driver's Licence - SS.

The Team Leader, Licensing, detailed the background in respect of SS.

Members' asked questions of the Officers who responded accordingly.

SS explained the circumstances relating to the incident and answered Members' questions.

Resolved that SS's application for the grant of a Restricted Hackney Carriage and Private Hire Driver's Licence be **refused**.

Reason for Decision

- 1) Taxi drivers are in a position of responsibility and trust and his previous conduct demonstrated that the applicant abused the trust placed in taxi drivers, which consisted of inappropriate conduct on a vulnerable lone female.
- 2) Members took the nature of the previous complaint so seriously that they felt that the maximum period permitted of good behaviour under the guidelines should be applied. The maximum period has not expired at the time that the applicant's hearing was conducted, and the applicant provided no compelling reason as to why the guidelines should be departed from;
- 3) The Applicant did not persuade members that he was remorseful for his previous actions, and the professional assistance sought by the applicant was for how the incident affected him, not as to how his conduct may have affected other people.
- 4) The Applicant did not provide evidence that he would not be a danger to lone female passengers in his taxi.
- 5) Although the Applicant received no criminal conviction, Members were of the opinion that the Applicant's previous behaviour amounted to conduct unbecoming of a licence holder and the Applicant did not pass the fit and proper test required to hold a licence.

The meeting ended at 12.21 pm

Chair