



City and County of Swansea

Minutes of the **General Licensing Committee**

Remotely via Microsoft Teams

Friday, 10 December 2021 at 10.00 am

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)

C Anderson
P Lloyd
L G Thomas

Councillor(s)

N J Davies
H M Morris
L V Walton

Councillor(s)

S J Gallagher
C L Philpott

Officer(s)

Yvonne Lewis
Richard Jenkins
Samantha Woon
Nick Huffer

Team Leader, Licensing
Licensing Officer
Democratic Services Officer
Employment Lawyer

Apologies for Absence

Councillor(s): J P Curtice, P Downing and B J Rowlands

30 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.

31 Minutes:

Resolved that the Minutes of the General Licensing Committee held on 12 November and 26 November 2021, be agreed as correct records, subject to Councillor L V Walton's attendance being recorded from Minute no. 23 to 26.

32 Tax Conditionality affecting the Hackney Carriage and Private Hire Trade.

The Licensing Officer submitted a 'for information' report which detailed the new legislation in relation to tax checks that will affect drivers of hackney carriage and private hire vehicles and also private hire operators.

Members' noted the background; first time applications; renewal applications and the impact on drivers, operators and licensing authorities.

Members' asked questions of the Officers who responded accordingly.

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.

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

(Closed Session)

34 Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 - Equality Act 2010 - Passengers in Wheelchairs - Request for an Exemption Certificate - MAC.

The Licensing Officer presented the background information in respect of MAC.

Members' asked questions of the Officer who responded accordingly.

MAC explained the circumstances relating to the request for exemption and answered Members' questions.

Resolved that MAC's request for an exemption from carrying wheelchair users in a hackney carriage and/or private hire vehicles be **approved** for a 24 month period.

Reason for Decision

Members decided to grant a two year exemption as it was felt that there was insufficient medical evidence for the Committee to consider granting and indefinite exemption at this time. It was felt that a two year exemption was appropriate so the medical situation can be reviewed.

35 Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 - Equality Act 2010 - Passengers in Wheelchairs - Request for an Exemption Certificate - JD.

The Licensing Officer presented the background information in respect of JD.

Members' asked questions of the Officer who responded accordingly.

JD explained the circumstances relating to the request for exemption and answered Members' questions.

Resolved that JD's request for an exemption from carrying wheelchair users in a hackney carriage and/or private hire vehicles be **approved** for an indefinite period.

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

The Licensing Officer presented the background information in respect of DE. The Licensing Officer highlighted a typographical error within the report.

Members' asked questions of the Officer who responded accordingly.

DE, accompanied by WH, explained the circumstances relating to the offence and answered Members' questions.

On the request of DE, the Democratic Services Officer displayed correspondence in support of DE's application

Resolved that DE's application for a Hackney Carriage and Private Hire Driver's Licence be **refused**.

Reason for Decision

DE did not satisfy Members that he was a fit, proper, safe and suitable to hold a licence under sections 1.7, 3.29, 3.30, 4.26, 4.40, 4.42 and 4.43 of the guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.

37 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 - MIMB.

The Licensing Officer advised that a request for deferral of consideration of the matter had been received from MIMB.

Members' asked questions of the Officer who responded accordingly.

Resolved that the matter be **deferred** to the meeting on 11 February, 2022.

The meeting ended at 12.08 pm

Chair