

CITY AND COUNTY OF SWANSEA

NOTICE OF MEETING

You are invited to attend a Meeting of the

GENERAL LICENSING COMMITTEE

At: Council Chamber, Civic Centre, Swansea

On: Friday, 14 July 2017

Time: 10.00 am

Chair: Councillor Penny Matthews

Membership:

Councillors: C Anderson, J P Curtice, P Downing, V M Evans, S J Gallagher, P Lloyd, H M Morris, C L Philpott, B J Rowlands, L G Thomas and L V Walton

AGENDA

Page No.

- 1 **Apologies for Absence.**
- 2 **Disclosures of Personal and Prejudicial Interest.**
www.swansea.gov.uk/disclosuresofinterests
- 3 **Minutes.** 1 - 7
To approve & sign the Minutes of the previous meeting(s) as a correct record.
- 4 **Exclusion of the Public.** 8 - 11
- 5 **Local Government (Miscellaneous Provisions Act 1976) - Dual Badge Driver - SJH.** 12 - 16
- 6 **Local Government (Miscellaneous Provisions Act 1976) - Dual Badge Driver - CIS.** 17 - 28
- 7 **Town Police Clauses Act 1847 - Local Government (Miscellaneous Provisions Act 1976) - Application for the Grant of a Hackney Carriage and Private Hire Drivers Licence - LLS.** 29 - 31
- 8 **Town Police Clauses Act 1847 - Local Government (Miscellaneous Provisions Act 1976) - NM.** 32 - 46
- 9 **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.** 47 - 50

**10 Local Government (Miscellaneous Provisions Act 1976) - Dual
Badge Driver - TJH.**

51 - 57

Next Meeting: Friday, 11 August 2017 at 10.00 am



**Huw Evans
Head of Democratic Services
Thursday, 6 July 2017**

Contact: Democratic Services - Tel: (01792) 636923

CITY AND COUNTY OF SWANSEA

MINUTES OF THE GENERAL LICENSING COMMITTEE

HELD AT COMMITTEE ROOM 3A, GUILDHALL, SWANSEA ON FRIDAY,
16 JUNE 2017 AT 10.00 AM

PRESENT: Councillor P M Matthews (Chair) Presided

Councillor(s)

C Anderson

V M Evans

L V Walton

Councillor(s)

J P Curtice

S J Gallagher

Councillor(s)

P Downing

C L Philpott

Officer(s)

L Anthony

Y Lewis

L Thomas

S Woon

Divisional Officer, Licensing, Food and Safety

Licensing Officer

Senior Lawyer

Democratic Services Officer

Apologies for Absence

Councillor(s): H M Morris, P Lloyd.

5 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

Councillor C Anderson – Personal – Minute No. 12 – Equality Act 2010 – Passengers in Wheelchairs – Request for an Exemption Certificate – WJG – Applicant is known to me. Councillor Anderson left prior to consideration of the item.

Officer

Samantha Woon – Personal – Minute No. 14 – Local Government (Miscellaneous Provisions) Act 1976 – Dual Badge Driver – SJH – Individual is known to me.

6 MINUTES:

RESOLVED that the Minutes of the General Licensing Committee held on 21 April and 25 May, 2017 be agreed as a correct records.

7 TERMS OF REFERENCE (FOR INFORMATION).

RESOLVED that the Terms of Reference be **NOTED**.

8 **PROPOSED CHANGES TO PRIVATE HIRE OPERATOR FEES.**

The Divisional Officer Licensing, Food & Safety, presented a report which detailed proposed changes to private hire operator fees.

She detailed the background, deregulation changes, current position, proposed fees, financial and legal implications.

Members asked questions of the Officer who responded accordingly.

RESOLVED that the proposed fees be **APPROVED AND ADVERTISED.**

9 **PROPOSED CHANGES TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE FEES.**

The Divisional Officer Licensing, Food and Safety, presented a report which proposed changes to hackney carriage and private hire vehicle fees.

She detailed the background, considerations, proposed fees, financial and legal implications.

Members asked questions of the Officer who responded accordingly.

RESOLVED that the proposed fees be **APPROVED AND ADVERTISED.**

10 **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)

11 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - TOWN POLICE CLAUSES ACT 1847 - HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE - TAA.**

The Divisional Officer Licensing, Food & Safety, detailed the background in respect of TAA.

The complainant, SC, accompanied by SC's partner and two representatives of Guide Dogs Cymru, detailed the circumstances surrounding the incident and answered Members' questions.

TAA, explained the circumstances of the incident and answered Members' questions.

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

12 **EQUALITY ACT 2010 - PASSENGERS IN WHEELCHAIRS - REQUEST FOR AN EXEMPTION CERTIFICATE - WJG.**

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

WJG explained the circumstances of the request and answered Members' questions.

RESOLVED that WJG's request for an exemption certificate be **GRANTED INDEFINITELY.**

13 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - RESTRICTED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER - ALR.**

The Divisional Officer Licensing, Food & Safety, detailed the background in respect of ALR.

ALR explained the circumstances of the convictions and answered Members' questions.

RESOLVED that ALR's request to renew the hackney carriage and private hire drivers licence be **REFUSED.**

Reason for Decision

The Committee did not deem ALR to be a fit and proper person .

The Committee considered the nature of the convictions to be more than minor offences and in light of the number of convictions the committee felt further action was needed to protect the travelling public .

Having heard ALR's explanations for the convictions members felt that ALR was not acting out of character and has and would continue to disregard the obligations to comply with other legal requirements expected of him.

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

The Divisional Officer Licensing, Food & Safety, detailed the background in respect of SJH.

The Lawyer advising the Committee read out a letter provided by SJH's solicitors which provided clarification in respect of the conviction.

SJH explained the circumstances of the conviction and answered members questions.

RESOLVED that the matter be deferred pending further information from SJH's medical practitioner.

15 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1976 - NDTD.**

The Divisional Officer Licensing, Food & Safety, advised that NDTD was not present and had not provided any explanation for non-attendance or sought for the matter to be deferred .

The Lawyer advising the Committee provided advice in respect of procedure.

The Divisional Officer Licensing, Food & Safety detailed the background in respect of NDTD.

RESOLVED that

The matter be dealt with in NDTD's absence; and

NDTD's hackney carriage and private hire drivers licence be **REVOKED**.

Reason for Decision

The Committee concluded that NDTD was not a fit and proper person due to NDTD's failure to comply with repeated requests made by the Licensing Division to supply information .

Members noted during the time officers had been trying to engage with NDTD he had acquired 3 penalty points which he had failed to notify officers of.

Members not satisfied NDTD acting out of character and that he would comply as required in the future therefore posing a risk to the safety of the travelling public .

The meeting ended at 11.58 am

CHAIR

CITY AND COUNTY OF SWANSEA

MINUTES OF THE GENERAL LICENSING COMMITTEE

**HELD AT COMMITTEE ROOM 3A, GUILDHALL, SWANSEA ON FRIDAY,
30 JUNE 2017 AT 10.00 AM**

PRESENT: Councillor P M Matthews (Chair) Presided

Councillor(s)

J P Curtice
P Lloyd
L G Thomas

Councillor(s)

V M Evans
C L Philpott
L V Walton

Councillor(s)

S J Gallagher
B J Rowlands

Officer(s)

Gareth Borsden
Richard Jenkins
Yvonne Lewis
Allison Lowe
Catherine Swain
Lyndsay Thomas

Democratic Services Officer
Licensing Officer
Senior Licensing Officer
Democratic Services Officer
Integrated Transport Unit Manager
Senior Lawyer

Apologies for Absence

Councillor(s): C Anderson, P Downing and H M Morris

Note:

Councillor BJ Rowlands was present as an observer only and did not vote on any of the matters below.

16 **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:

Councillor V M Evans – Personal - Minute No 21 - Application for the Grant of a Hackney Carriage and Private Hire Drivers Licence – DM – I know the applicant and left prior to consideration of the item.

17 **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)

18 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - RESTRICTED DUAL BADGE DRIVER - SPM.**

The Senior Licensing Officer, detailed the background in respect of SPM.

SPM explained the circumstances of the convictions and answered Members' questions.

RESOLVED that SPM's application to renew their restricted dual badge drivers licence be **APPROVED** and SPM be issued with a strong warning letter regarding future conduct.

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

The Senior Licensing Officer, detailed the background in respect of AJM.

AJM explained the circumstances of the caution and answered Members' questions. AJM's father spoke in support of the application.

RESOLVED that AJM'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 AJM be issued with a strong warning letter regarding future conduct.

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

The Senior Licensing Officer, detailed the background in respect of AS.

AS explained the circumstances of the convictions and answered Members' questions.

RESOLVED that AS'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 AS be issued with a strong warning letter regarding future conduct.

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

The Senior Licensing Officer, detailed the background in respect of DM.

The Integrated Transport Unit Manager provided an update on the original decision to approve DM as a passenger Assistant for school transport. This approval has been revoked in the light of further information received from South Wales Police.

DM explained the circumstances of the conviction and answered Members' questions.

RESOLVED that DM's application for the grant of a hackney carriage and private hire drivers licence be **REFUSED** under sections 51 & 59 of the Local Government (Miscellaneous Provisions) Act 1976.

Reason for Decision

DM failed to satisfy the members he was fit and proper and that he was acting out of character regarding his conviction for theft and he would not reoffend . Safety of travelling public was of paramount importance and members had real concerns over DM's confession he had misled police by giving them a false account of the circumstances which eventually lead to his conviction for theft .DM said his account to CS was true .DM admitted he took steps to ensure money went to his wife rather than other members of her family. DM suggested his mother in law had agreed to DM using her funds as she wanted the money to go to her daughter. This was in fact a third version. Members were particularly concerned about the police's report that his mother in law had notice served on her as she was unable to pay her care fees causing her distress and that she had no knowledge of her funds being used by DM.

The meeting ended at 11.08 am

CHAIR

Agenda Item 4

Report of the Head of Legal, Democratic Services & Business Intelligence

General Licensing Committee – 15 July 2017

EXCLUSION OF THE PUBLIC

Purpose:	To consider whether the Public should be excluded from the following items of business.	
Policy Framework:	None.	
Reason for Decision:	To comply with legislation.	
Consultation:	Legal.	
Recommendation(s):	It is recommended that:	
1)	The public be excluded from the meeting during consideration of the following item(s) of business on the grounds that it / they involve(s) the likely disclosure of exempt information as set out in the Paragraphs listed below of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 subject to the Public Interest Test (where appropriate) being applied.	
	Item No.	Relevant Paragraphs in Schedule 12A
	5-10	12, 13 & 18
Report Author:	Democratic Services	
Finance Officer:	Not Applicable	
Legal Officer:	Tracey Meredith – Head of Legal, Democratic Services & Business Intelligence (Monitoring Officer)	

1. Introduction

- 1.1 Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, allows a Principal Council to pass a resolution excluding the public from a meeting during an item of business.
- 1.2 Such a resolution is dependant on whether it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in section 100I of the Local Government Act 1972.

2. Exclusion of the Public / Public Interest Test

- 2.1 In order to comply with the above mentioned legislation, Cabinet will be requested to exclude the public from the meeting during consideration of the item(s) of business identified in the recommendation(s) to the report on the grounds that it / they involve(s) the likely disclosure of exempt information as set out in the Exclusion Paragraphs of Schedule 12A of the Local Government

Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

- 2.2 Information which falls within paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 2.3 The specific Exclusion Paragraphs and the Public Interest Tests to be applied are listed in **Appendix A**.
- 2.4 Where paragraph 16 of the Schedule 12A applies there is no public interest test. Councillors are able to consider whether they wish to waive their legal privilege in the information, however, given that this may place the Council in a position of risk, it is not something that should be done as a matter of routine.

3. Financial Implications

- 3.1 There are no financial implications associated with this report.

4. Legal Implications

- 4.1 The legislative provisions are set out in the report.
- 4.2 Councillors must consider with regard to each item of business set out in paragraph 2 of this report the following matters:
 - 4.2.1 Whether in relation to that item of business the information is capable of being exempt information, because it falls into one of the paragraphs set out in Schedule 12A of the Local Government Act 1972 as amended and reproduced in Appendix A to this report.
 - 4.2.2 If the information does fall within one or more of paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended, the public interest test as set out in paragraph 2.2 of this report.
 - 4.2.3 If the information falls within paragraph 16 of Schedule 12A of the Local Government Act 1972 in considering whether to exclude the public members are not required to apply the public interest test but must consider whether they wish to waive their privilege in relation to that item for any reason.

Background Papers: None.

Appendices: Appendix A – Public Interest Test.

Public Interest Test

No.	Relevant Paragraphs in Schedule 12A
12	Information relating to a particular individual.
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 12 should apply. Their view on the public interest test was that to make this information public would disclose personal data relating to an individual in contravention of the principles of the Data Protection Act. Because of this and since there did not appear to be an overwhelming public interest in requiring the disclosure of personal data they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
13	Information which is likely to reveal the identity of an individual.
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 13 should apply. Their view on the public interest test was that the individual involved was entitled to privacy and that there was no overriding public interest which required the disclosure of the individual's identity. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
14	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 14 should apply. Their view on the public interest test was that:</p> <ul style="list-style-type: none"> a) Whilst they were mindful of the need to ensure the transparency and accountability of public authority for decisions taken by them in relation to the spending of public money, the right of a third party to the privacy of their financial / business affairs outweighed the need for that information to be made public; or b) Disclosure of the information would give an unfair advantage to tenderers for commercial contracts. <p>This information is not affected by any other statutory provision which requires the information to be publicly registered.</p> <p>On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>

No.	Relevant Paragraphs in Schedule 12A
15	<p>Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 15 should apply. Their view on the public interest test was that whilst they are mindful of the need to ensure that transparency and accountability of public authority for decisions taken by them they were satisfied that in this case disclosure of the information would prejudice the discussion in relation to labour relations to the disadvantage of the authority and inhabitants of its area. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
16	<p>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>
	<p>No public interest test.</p>
17	<p>Information which reveals that the authority proposes: (a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) To make an order or direction under any enactment.</p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 17 should apply. Their view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by the public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
18	<p>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 18 should apply. Their view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>

Agenda Item 5

By virtue of paragraph(s) 12, 13, 18 of Schedule 12A
of the Local Government Act 1972
as amended by the Local Government (Access to
Information) (Variation) (Wales) Order 2007.

Document is Restricted

By virtue of paragraph(s) 12, 13, 18 of Schedule 12A
of the Local Government Act 1972
as amended by the Local Government (Access to
Information) (Variation) (Wales) Order 2007.

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Agenda Item 6

By virtue of paragraph(s) 12, 13, 18 of Schedule 12A
of the Local Government Act 1972
as amended by the Local Government (Access to
Information) (Variation) (Wales) Order 2007.

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By virtue of paragraph(s) 12, 13, 18 of Schedule 12A
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Information) (Variation) (Wales) Order 2007.

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Information) (Variation) (Wales) Order 2007.

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Agenda Item 7

By virtue of paragraph(s) 12, 13, 18 of Schedule 12A
of the Local Government Act 1972
as amended by the Local Government (Access to
Information) (Variation) (Wales) Order 2007.

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Agenda Item 8

By virtue of paragraph(s) 12, 13, 18 of Schedule 12A
of the Local Government Act 1972
as amended by the Local Government (Access to
Information) (Variation) (Wales) Order 2007.

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Information) (Variation) (Wales) Order 2007.

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Agenda Item 9

By virtue of paragraph(s) 12, 13, 18 of Schedule 12A
of the Local Government Act 1972
as amended by the Local Government (Access to
Information) (Variation) (Wales) Order 2007.

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Agenda Item 10

By virtue of paragraph(s) 12, 13, 18 of Schedule 12A
of the Local Government Act 1972
as amended by the Local Government (Access to
Information) (Variation) (Wales) Order 2007.

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