



## City and County of Swansea

### Notice of Meeting

You are invited to attend a Meeting of the

## General Licensing Committee

**At:** Council Chamber, Guildhall, Swansea

**On:** Friday, 13 April 2018

**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

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### Agenda

### Page No.

- |          |                                                                                                                                                                                                    |                |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>1</b> | <b>Apologies for Absence.</b>                                                                                                                                                                      |                |
| <b>2</b> | <b>Disclosures of Personal and Prejudicial Interest.</b><br><a href="http://www.swansea.gov.uk/disclosuresofinterests">www.swansea.gov.uk/disclosuresofinterests</a>                               |                |
| <b>3</b> | <b>Minutes.</b><br>To approve & sign the Minutes of the previous meeting(s) as a correct record.                                                                                                   | <b>1 - 3</b>   |
| <b>4</b> | <b>Equality Act 2010 - Approval Arrangements for Medical Exemptions.</b>                                                                                                                           | <b>4 - 6</b>   |
| <b>5</b> | <b>Exclusion of the Public.</b>                                                                                                                                                                    | <b>7 - 10</b>  |
| <b>6</b> | <b>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 - SPW.</b> | <b>11 - 14</b> |
| <b>7</b> | <b>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 - JLC.</b> | <b>15 - 20</b> |
| <b>8</b> | <b>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 -</b>      | <b>21 - 31</b> |

**JMP.**

- |           |                                                                                                                                                                                      |                |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>9</b>  | <b>Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 - Dual Driver - DAH.</b>                                                                    | <b>32 - 41</b> |
| <b>10</b> | <b>Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 - Application for the Grant of Hackney Carriage and Private Hire Driver's Licence - TA.</b> | <b>42 - 58</b> |
| <b>11</b> | <b>HMO Licensing - Housing Act 2004, Appeal to Residential Property Tribunal - PA. (For Information)</b>                                                                             | <b>59 - 60</b> |
| <b>12</b> | <b>HMO Licensing - Housing Act 2004, Appeal to Residential Property Tribunal - AL. (For Information)</b>                                                                             | <b>61 - 62</b> |
| <b>13</b> | <b>Immediate Action Update. (For Information)</b>                                                                                                                                    | <b>63 - 65</b> |

**Next Meeting:** Friday, 11 May 2018 at 10.00 am

*Huw Evans*

**Huw Evans**  
**Head of Democratic Services**  
**Thursday, 5 April 2018**

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**Contact: Democratic Services - Tel: (01792) 636923**



City and County of Swansea

## Minutes of the **General Licensing Committee**

Council Chamber, Guildhall, Swansea

Friday, 9 March 2018 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)**

V M Evans  
H M Morris  
L G Thomas

**Officer(s)**

Richard Jenkins	Licensing Officer
Yvonne Lewis	Team Leader, Licensing
Lyndsay Thomas	Senior Lawyer
Samantha Woon	Democratic Services Officer

**Apologies for Absence**

Councillor(s): P Downing

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### 88 **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 C A Anderson – Personal and Prejudicial – Minute no. 92 – Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976, Equality Act 2010, Passengers in Wheelchairs, Request for an Exemption Certificate – CW – CW is known to me. Councillor C A Anderson left the meeting prior to consideration of the matter.

Councillor C A Anderson – Personal and Prejudicial – Minute no. 95 – Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976, Hackney Carriage and Private Hire Driver's Licence – PAD – PAD is known to me. Councillor C A Anderson left the meeting prior to consideration of the matter.

### 89 **Minutes:**

**Resolved** that the minute(s) listed below be approved and signed as correct record(s):

- 1) 18 January, 2018; and
- 2) 9 February, 2018.

**90 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)**

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

The Team Leader, Licensing, detailed the background in respect of ZK's request for an exemption certificate.

ZK explained the circumstances relating to the request and answered Members' questions.

**Resolved** that ZK's request for an exemption certificate be **approved for one year.**

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

The Team Leader, Licensing, detailed the background in respect of CW's request for an exemption certificate.

CW explained the circumstances relating to the request and answered Members' questions.

**Resolved** that CW's request for an exemption certificate be **approved indefinitely.**

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

The Team Leader, Licensing, detailed the background in respect of LAJ's application for a Hackney Carriage and Private Hire Driver's Licence.

Members asked questions of the Officers who responded accordingly.

LAJ, accompanied and represented by Mr W, explained the circumstances relating to the request and answered Members' questions.

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

**94 Town Police Clauses Act 1847 - Local Government (Miscellaneous Provisions) Act 1976 - Dual Driver - DLD.**

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

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

**Resolved** that DLD receive a **warning letter** regarding future conduct.

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

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

Members asked questions of the Officer who responded accordingly.

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

**Resolved** that PAD receive a **warning letter** regarding future conduct.

The meeting ended at 11.55 am

**Chair**



**Report of the Divisional Officer  
Licensing, Food & Safety  
General Licensing Committee  
13<sup>th</sup> April 2018**

## **Equality Act 2010 – Approval Arrangements for Medical Exemptions**

### **1.0 Purpose of the Report**

- 1.1 Members have requested that consideration should be made by the General Licensing Committee in respect of the approval of future applications for medical exemptions from carrying passengers in wheelchairs.

### **2.0 Background**

- 2.1 As Members will recall, a report was considered by the General Licensing Committee on 8<sup>th</sup> September 2017 outlining the new duties imposed on the Licensing Authority as a result of commencement of Sections 165 and 167 of the Equality Act 2010.
- 2.2 Section 165 of the Act places a legal requirement on drivers of all licensed hackney carriage and private vehicles, which are wheelchair accessible, to carry passengers in wheelchairs, provide assistance to those passengers, and prohibits them from charging extra for the fare.
- 2.3 Section 167 of the Act provides Local Authorities with powers to publish a list of "designated vehicles" i.e. hackney carriage and private hire vehicles that are wheelchair accessible. The Council does not have to publish a list, however the Government strongly suggest that they do so and the responsibility imposed on drivers (outlined above) does not take effect until the Licensing Authority publishes such a list. The Council currently has in place conditions and byelaws which require drivers to assist passengers with reasonable amounts of luggage, to give reasonable assistance and also to take a disabled person with a guide, hearing or other assistance dog unless they have a medical exemption.
- 2.4 Following Members consideration it was agreed that the Council publish a list of designated vehicles. The list is now available on the Council's website and is updated on a monthly basis.

- 2.5 In addition, every licensed driver was sent a letter to inform them of the new duties placed upon them and given the opportunity to request a medical exemption from carrying persons using wheelchairs, with medical evidence to support their request.

### **3.0 Current Procedure**

- 3.1 Currently any request for an exemption on medical grounds is referred to the General Licensing Committee for decision and due to the reporting timescales some requests can take 6 to 8 weeks to be determined.
- 3.2 At the meeting of 9<sup>th</sup> March 2018, Members requested a report to enable them to consider a review of the existing process, in particular whether medical exemption requests that were time limited could be determined by Officers of the Licensing Section on behalf of the General Licensing Committee.

### **4.0 Proposed Procedure**

- 4.1 In view of the request by Members it is proposed that where time limited medical exemption requests are made by drivers and supporting information is satisfactory that the request is approved by Officers on behalf of the General Licensing Committee.
- 4.2 If there are queries in respect of a request or where the supporting documentation is not satisfactory, Licensing Officers will refer the request to the General Licensing Committee for decision.
- 4.3 All requests for a medical exemption that are not time limited will be referred to the General Licensing Committee for decision.

### **5.0 Recommendation**

It is recommended that:

- 5.1 Members approve the proposals set out in paragraph 4 to this report and authorise Officers to approve medical exemption certificates as follows:
- a) Where time limited requests are made by drivers and supporting documentation is satisfactory be granted by Officers on behalf of the General Licensing Committee; and

b) If there are queries in respect of a request or where the supporting documentation is not satisfactory, Licensing Officers will refer the request to the General Licensing Committee for decision;and

c) All requests for a medical exemption that are not time limited will be referred to the General Licensing Committee for decision.

**The Licensing Committee's instructions are requested.**

<b>Background Papers:</b>	<b>None</b>
<b>Contact Officer:</b>	<b>Yvonne Lewis</b>
<b>Extension:</b>	<b>5600</b>
<b>Legal Contact:</b>	<b>Aled Gruffydd</b>





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

General Licensing Committee – 13 April 2018

### Exclusion of the Public

<b>Purpose:</b>	To consider whether the Public should be excluded from the following items of business.	
<b>Policy Framework:</b>	None.	
<b>Reason for Decision:</b>	To comply with legislation.	
<b>Consultation:</b>	Legal.	
<b>Recommendation(s):</b>	It is recommended that:	
<b>1)</b>	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.	
	<b>Item Nos.</b>	<b>Relevant Paragraphs in Schedule 12A</b>
	6-13	12,13 & 18
<b>Report Author:</b>	Democratic Services	
<b>Finance Officer:</b>	Not Applicable	
<b>Legal Officer:</b>	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
<b>12</b>	<b>Information relating to a particular individual.</b>
	<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>
<b>13</b>	<b>Information which is likely to reveal the identity of an individual.</b>
	<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>
<b>14</b>	<b>Information relating to the financial or business affairs of any particular person (including the authority holding that information).</b>
	<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> <p>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</p> <p>b) Disclosure of the information would give an unfair advantage to tenderers for commercial contracts.</p> <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

<b>15</b>	<b>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.</b>
	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.
<b>16</b>	<b>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</b>
	No public interest test.
<b>17</b>	<b>Information which reveals that the authority proposes:</b> <b>(a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</b> <b>(b) To make an order or direction under any enactment.</b>
	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.
<b>18</b>	<b>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</b>
	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.

# 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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# 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  
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# Agenda Item 8

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# Agenda Item 9

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# Agenda Item 10

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# Agenda Item 12

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