



City and County of Swansea

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

Council Chamber, Guildhall, Swansea

Thursday, 18 January 2018 at 10.00 am

**Present:** Councillor P M Matthews (Chair) Presided

**Councillor(s)**

C Anderson  
S J Gallagher  
B J Rowlands

**Councillor(s)**

P Downing  
P Lloyd  
L G Thomas

**Councillor(s)**

V M Evans  
C L Philpott  
L V Walton

**Officer(s)**

A Evans	Senior Environmental Health Officer
C James	Senior Environmental Health Officer
P Livingstone	Team Leader
S Richards	Principal Lawyer
L Thomas	Senior Lawyer
S Woon	Democratic Services Officer

**Apologies for Absence**

Councillor(s): J P Curtice and H M Morris

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**77 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. 81 - Personal and Prejudicial – HMO Licensing – Housing Act 2004, Fit and Proper Person Status – AL is a neighbour. Councillor S J Gallagher left prior to consideration of this item.

Councillor L V Walton – Minute No. 81 - Personal and Prejudicial – HMO Licensing – Housing Act 2004, Fit and Proper Person Status – AL is known to me through his family's restaurants. Councillor L V Walton left prior to consideration of this item.

**78 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)**

**79 HMO Licensing - Housing Act 2004, Fit and Proper Person Status - PA.**

The Team Leader detailed the background in respect of HMO Licensing, Housing Act 2004, Fit and Proper Person Status in relation to PA.

Members asked questions of the Officer who responded accordingly.

PA explained the circumstances relating to the offences and answered Members' questions.

**Resolved** that:

1. PA was not a fit and proper person for purposes of s64 of the Housing Act 2004:
2. PA's applications for the grant of two HMO licences be **refused**; and
3. PA's existing HMO licence be **revoked**.

**Reason for Decision**

The Committee was of the opinion that PA's previous experience as an HMO licence holder should have prevented him from making the errors PA did which resulted in a prosecution for housing offences. Committee was not persuaded by PA's oral testimony that satisfactory management arrangements were in place at the HMOs and that he took a reactive rather than proactive approach to management.

**80 HMO Licensing - Housing Act 2004, Fit and Proper Person Status - PW.**

The Team Leader detailed the background in respect of HMO Licensing, Housing Act 2004, Fit and Proper Person Status in relation to PW.

Members asked questions of the Officer who responded accordingly.

PW explained the circumstances relating to the offences and answered Members' questions.

**Resolved** that PW was not a fit and proper person for purposes of s64 of the Housing Act 2004 and that the HMO licences in respect of the properties listed on page 23 of the report be **revoked**.

### **Reasons for Decision**

The Committee resolved that PW was not a fit and proper person for the purposes of s64 of the Housing Act 2004 for the following reasons:

The Committee was of the opinion that PW's previous experience as an HMO licence holder should have prevented him from making the errors PW did which resulted in a prosecution for housing offences. Committee was not persuaded by PW's oral testimony that satisfactory management arrangements were in place at the HMOs and that he took a reactive rather than proactive approach to management.

### **81 HMO Licensing - Housing Act 2004, Fit and Proper Person Status - AL.**

The Team Leader, detailed the background in respect of HMO Licensing, Housing Act 2004, Fit and Proper Person Status in relation to AL.

Members asked questions of the Officer who responded accordingly.

Mr S, AL's Legal Representative, explained the circumstances relating to the offences and provided detailed mitigation on his client's behalf.

**Resolved** that AL was not a fit and proper person for purposes of s64 of the Housing Act 2004 and that AL's existing HMO licence be revoked and five licence applications for the first five properties detailed on page 32 of the report be **revoked**.

### **Reasons for Decision**

The Committee resolved that AL was not a fit and proper person for the purposes of s64 of the Housing Act 2004 for the following reasons:

The Committee was of the opinion that AL's previous experience as an HMO licence holder should have prevented him from making the errors AL's did which resulted in a prosecution for housing offences. Committee was not persuaded by AL's oral testimony that satisfactory management arrangements were in place at the HMOs and that he took a reactive rather than proactive approach to management.

The meeting ended at 12.45 pm

**Chair**