



Dinas a Sir Abertawe

Hysbysiad o Gyfarfod

Fe'ch gwahoddir i gyfarfod

Pwyllgor Trwyddedu Cyffredinol

Lleoliad: Siambr y Cyngor, Neuadd y Ddinas, Abertawe

Dyddiad: Dydd Gwener, 13 Medi 2019

Amser: 10.00 am

Cadeirydd: Cynghorydd Penny Matthews

Aelodaeth:

Cynghorwyr: C Anderson, J P Curtice, N J Davies, P Downing, S J Gallagher, P Lloyd, H M Morris, C L Philpott, B J Rowlands, L G Thomas a/ac L V Walton

Agenda

Rhif y Dudalen.

- | | | |
|----------|--|----------------|
| 1 | Ymddiheuriadau am absenoldeb. | |
| 2 | Derbyn datgeliadau o fuddiannau personol a rhagfarnol.
www.abertawe.gov.uk/DatgeliadauBuddiannau | |
| 3 | Cofnodion:
Cymeradwyo a llofnodi cofnodion y cyfarfod(ydd) blaenorol fel cofnod cywir. | 1 - 2 |
| 4 | Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976 - Cais i benderfynu pa mor addas yw dosbarth y mae Meredydd yn ei ddosbarth 2200CC cerbyd diesel i 'w drwyddedu fel cerbyd hurio preifat cyfyngedig - D Jones. | 3 - 6 |
| 5 | Gwahardd y cyhoedd. | 7 - 10 |
| 6 | Deddf Cyfrifoldebau Heddluoedd Tref 1847 - Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976 - Cais am Drwydded Yrru Gyfyngedig ar gyfer Cerbyd Hacni a Hurio Preifat - KDD. | 11 - 15 |
| 7 | Deddf Cyfrifoldebau Heddluoedd Tref 1847 - Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976 - Adnewyddu cerbyd Hackney trwydded gyrrwr llogi preifat - TAA. | 16 - 42 |
| 8 | Deddf Cydraddoldeb 2010 - Teithwyr mewn Cadeiriau Olwyn - Cais am Dystysgrif Eithrio - MAC. | 43 - 48 |

Cyfarfod Nesaf: Dydd Gwener, 11 Hydref 2019 ar 10.00 am



Huw Evans

Pennaeth Gwasanaethau Democrataidd

Dydd Gwener, 6 Medi 2019

Cyswllt: Gwasanaethau Democrataidd - Ffon: (01792) 636923

Agenda Item 3



City and County of Swansea

Minutes of the **General Licensing Committee**

Council Chamber - Guildhall, Swansea

Friday, 9 August 2019 at 10.00 am

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)

C Anderson
L G Thomas

Councillor(s)

P Downing

Councillor(s)

S J Gallagher

Officer(s)

Lyndsay Thomas
Jeremy Parkhouse

Principal Lawyer
Democratic Services Officer

Apologies for Absence

Councillor(s): J P Curtice, N J Davies, P Lloyd, H M Morris, C L Philpott,
B J Rowlands and L V Walton

Officer(s): Lynda Anthony

23 **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.

24 **Minutes:**

Resolved that the Minutes of the General Licensing Committee held on 12 July 2019 be agreed as a correct record.

25 **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)

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

The Principal Lawyer, detailed the background in respect of DSP.

DSP explained the circumstances relating to the convictions and answered Members questions.

The Lawyer advising the Committee provided clarification on the issues raised by Members.

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

Reason for Decision

The Committee were not satisfied that DSP was a fit and proper person due to serious and repeated convictions for possession and / or supply and / or production of controlled drugs.

27 Immediate Action Update/Results of Appeals.

The Immediate Action Update / Results of Appeals report was presented.

Resolved that the contents of the report be noted.

The meeting ended at 11.00 am

Chair



**Report of the Licensing and
Food & Safety Manager
General Licensing Committee
13TH September 2019**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
REQUEST TO DETERMINE THE SUITABILITY OF A MERCEDES E
CLASS, 2200CC DIESEL VEHICLE FOR LICENSING AS A RESTRICTED
PRIVATE HIRE VEHICLE - MR DAVID JONES**

1. Introduction

- 1.1 A request, in principle, has been received from Mr David Jones of Birchgrove Mini Travel Ltd for Members to determine the suitability of a Black, Mercedes E class, 2200cc diesel engine vehicle, for licensing as restricted private hire vehicle to carry three passengers.
- 1.2 Mr Jones wishes to use this vehicle, if licensed, as a restricted private hire vehicle, for executive hire only, for special occasions, which include weddings, birthday parties and school proms.

2. Powers Relating to Licensing of Private Hire Vehicles

- 2.1 The powers relating to the licensing of private hire vehicles are contained in Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 which states:

“Licensing of private hire vehicles

48-(1) Subject to the provisions of this Part of this Act, a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied –

- (a) that the vehicle is -
 - (i) suitable in type, size and design for use as a private hire vehicle;
 - (ii) not of such design and appearance as to lead any person to

- believe that the vehicle is a hackney carriage;
 - (iii) in a suitable mechanical condition;
 - (iv) safe; and
 - (v) comfortable;
 - (b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of (Part VI of the Road Traffic Act 1988), and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.
- (2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this sub-section, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.”
- 2.2 It is evident from Section 48 above that the Council are not under a duty to issue a licence once an application has been made, they have a discretion. Section 48(1)(a) & (b) also includes specific situations where a Council must not grant a licence.
- 2.3 Members’ attention is drawn to the fact that the legislation refers to receipt of an application. The request currently being considered is a general request relating to the suitability of a type of vehicle and does not refer to a specific application. Section 48 is of relevance however in considering the request as a specific application will follow if Members determine that the vehicle is suitable.
- 3. Type of Vehicle**
- 3.1 It must be noted that there is no such thing as a purpose-designed private hire vehicle; unlike a hackney carriage where, “London-style” cabs are available. Section 48(1) (a) of the Local Government (Miscellaneous Provisions) Act 1976, detailed in paragraph 2.1 above does however lay down certain criteria which must be satisfied before a Council can licence a vehicle as a private hire vehicle.
- 3.2 The first consideration is whether the vehicle is “suitable in type, size and design” In accordance with Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 also detailed in paragraph 2.1 above, this Authority has in place conditions which are attached to a private hire vehicle licence and specify the standards a vehicle must comply with. These conditions relate to issues such as the number of doors a vehicle must have, minimum sizes for internal dimensions,

engine capacity, signage etc. (A copy of the conditions is attached at Appendix A).

4. Mercedes 220 Coupe

- 4.1 Mr Jones of Birchgrove Mini travel Ltd recently presented a Mercedes E class 220 coupe at the Central Transport Unit. This vehicle was inspected by the Council Inspector and it was noted that it was capable of carrying 3 passengers.
- 4.2 Members are being asked to consider the suitability of the vehicle as it only has one door either side of the vehicle. This does not meet the requirements of the private hire vehicle conditions which state “***All vehicles must be right hand drive and have 2 door each side of the vehicle. All passengers shall have access to a door capable of being opened from inside the vehicle.***”

5. Conclusions

- 5.1 The powers relating to the licensing of private hire vehicles contained in Section 48 of the 1976 Act are clear that a Council shall not grant a licence unless they are satisfied that the vehicle is suitable in type, size and design, not of such a design and appearance as to lead any person to believe that the vehicle is a hackney carriage, in a suitable mechanical condition, safe and comfortable.
- 5.2 The Mercedes 220 Coupe does not meet one of the requirements of the existing restricted private hire vehicle conditions as the vehicle only has 1 door each side of the vehicle.
- 5.3 A Mercedes 220 Coupe Vehicle will be available for Members to inspect at the Guildhall on Friday 13th of September 2019.

6 Recommendation

- 6.1 It is **recommended** that the Committee, after viewing the vehicle and having regard to the information outlined in the report, determine whether the vehicle is suitable for licensing as a Restricted private hire vehicle with Swansea Council.

The Licensing Committee’s instructions are requested

General Request to Determine the Suitability 13th September 2019
Licensing of a Vehicle for Licensing as a
Committee Restricted Private Hire Vehicle

Background Papers: Licence Application
Contact Officer: Alec Dubens
Extension: 5122
Legal Contact: Craig Davies

Agenda Item 5



Report of the Chief Legal Officer

General Licensing Committee – 13 September 2019

Exclusion of the Public

Purpose:		To consider whether the Public should be excluded from the following items of business.
Policy Framework:		None.
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's.	Relevant Paragraphs in Schedule 12A
	6, 7, 8 & 9	12 & 13
Report Author:		Democratic Services
Finance Officer:		Not Applicable
Legal Officer:		Tracey Meredith – Chief Legal Officer (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	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.
	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.
16	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
	No public interest test.
17	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.
	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.
18	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
	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 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 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

Agenda Item 7

By virtue of paragraph(s) 12, 13 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 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 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 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 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

Agenda Item 8

By virtue of paragraph(s) 12, 13 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 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

Agenda Item 9

By virtue of paragraph(s) 12, 13 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