

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