



City and County of Swansea

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

Council Chamber, Guildhall, Swansea

Friday, 13 October 2017 at 10.00 am

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

**Councillor(s)**

C Anderson  
H M Morris  
L V Walton

**Councillor(s)**

S J Gallagher  
C L Philpott

**Councillor(s)**

P Lloyd  
B J Rowlands

**Officer(s)**

Lynda Anthony  
Kath Thomas  
Lyndsay Thomas  
Samantha Woon

Divisional Officer, Licensing, Food and Safety  
Licensing Officer  
Senior Lawyer  
Democratic Services Officer

**Apologies for Absence**

Councillor(s): J P Curtice, P Downing, V M Evans and L G Thomas

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**47 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 P Lloyd – Personal – Minute No. - 52 - Local Government (Miscellaneous Provisions) Act 1976 – Restricted Dual Badge Driver – RC – I know the person accompanying the applicant.

**48 Minutes.**

**Resolved** that the minutes of the General Licensing Committee held on 8 September, 2017, be agreed as a correct record.

**49 Result of Appeals.**

The Divisional Officer, Licensing, Food & Safety, presented the Results of Appeals for information.

The lawyer advising the Committee, in response to Members questions, detailed the procedure adopted by the Magistrates Court and the role of the Council's Criminal Prosecutor in defending the Committee's decision.

The Lawyer advising the Committee stated that the Chair receives a copy of the rationale of the Magistrates Court decision.

**Resolved** that:

1. the report be noted.
2. The Lawyer advising the Committee would bring details of the Magistrates Court decisions to future meetings in order to answer Member questions.

**50 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)**

**51 Town Police Clauses Act 1847 - Local Government (Miscellaneous Provisions) Act 1976 - Application for a Hackney Carriage and Private Hire Driver's Licence - MHIF.**

The Divisional Officer, Licensing, Food & Safety detailed the background in respect of MHIF's application for a Hackney Carriage and Private Hire Driver's Licence.

Members asked questions of the Officer who responded accordingly.

MHIF explained the circumstances of the request and answered Members questions relating to the matter.

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

**52 Local Government (Miscellaneous Provisions) Act 1976 - Restricted Dual Badge Driver - RO.**

The Divisional Officer, Licensing, Food & Safety detailed the background in respect of RO's Restricted Dual Badge.

RO, accompanied by Mr J, explained the circumstances of the offence and answered Members questions relating to the matter.

**Resolved** that RO's Restricted Hackney Carriage and Private Hire Driver Licences be **renewed**.

**53 Town Police Clauses Act 1847 - Local Government (Miscellaneous Provisions) Act 1976 - Application for a Hackney Carriage and Private Hire Driver's Licence - KD.**

The Divisional Officer, Licensing, Food & Safety detailed the background in respect of KD's application for a Hackney Carriage and Private Hire Driver's Licence.

KD explained the circumstances of the request and answered Members questions relating to the matter.

**Resolved** that KD's application for the grant of a Hackney Carriage and Private Hire Driver's Licence be **refused as the members did not consider KD to be a fit and proper person**.

**Reason for Decision**

- Committee considered the offence of 16/10/16 to be serious as KD was carrying passengers at high speed – 105 miles per hour.
- The Committee noted KD denied he was going at that speed and the Police were mistaken but he declined to give the speed he was travelling save it was over 40 mph.
- KD was found guilty at Court and the Committee did not consider the fact that KD was given 4 months rather than 6–12 months a mitigating circumstance.
- Committee noted the information from the Police and the disqualification given for 4 months and found it was likely KD was travelling at high speed in excess of the 40 mph limit.
- The Committee were concerned that KD seemed to have been speeding in the first instance due to his passengers telling KD to speed with another car.
- KD said he was scared and that was why he was speeding. The Committee was of the opinion that if KD's account of the incident was correct he could and should have dealt with the incident in another way. The Committee were concerned that KD showed poor judgment in the way he dealt with the incident.
- KD showed no remorse for the offence for which he was convicted save that he knows it was wrong to speed. KD demonstrated little or no respect for the road regulations or the Police who were called upon to deal with the incident when questioned by Members.
- The Committee noted KD has held a driving licence since 2006 and this is KD's only conviction but the speed and the details of the incident as reported by the police and the sentence imposed demonstrated it was a serious offence committed while KD had passengers in the car.
- The Committee also noted this incident happened within 2 years of a licence being granted to KD.

Minutes of the General Licensing Committee (13.10.2017)  
Cont'd

- In light of KD's answers to Members questions and as it was only just 12 months since the conviction, the Committee were not satisfied he was acting out of character and would not present a risk to the safety of the travelling public if KD found himself in a similar situation.

The meeting ended at 11.28 am

**Chair**