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Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Rhowch wybod i ni os mai Cymraeg yw eich
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*We welcome correspondence in Welsh. Please
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Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate

Deialu uniongyrchol / Direct line /: 01656 643148 /
643147 / 643694

Gofynnwch am / Ask for: Michael Pitman

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Tuesday, 21 August 2018

Dear Councillor,

LICENSING SUB-COMMITTEE B

A meeting of the Licensing Sub-Committee B will be held in the Committee Rooms 2/3, Civic Offices Angel Street Bridgend CF31 4WB on **Tuesday, 28 August 2018 at 10:00.**

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members.
2. Declarations of Interest
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in accordance with the provisions of the Members Code of Conduct adopted by Council from 1 September 2008.
3. Approval of Minutes 3 - 8
To receive for approval the Minutes of the 03/07/2018
4. Application to Licence Private Hire Vehicle 9 - 12
5. Urgent Items
To consider any other item(s) of business in respect of which notice has been given in accordance with Rule 4 of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.
6. Exclusion of the Public
The reports relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation)(Wales) Order 2007.

If following the application of the public interest test the Committee resolves pursuant to the Act to consider these items in private, the public will be excluded from the meeting during such consideration.

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| 7. | <u>Approval of Exempt Minutes</u>
To receive for approval the exempt Minutes of the 03/07/18 | 13 - 18 |
| 8. | <u>Application for Grant of Licences</u> | 19 - 22 |

Yours faithfully

K Watson

Head of Legal and Regulatory Services

Councillors:

PA Davies

A Hussain

RM James

Councillors

B Jones

MJ Kearn

JE Lewis

Councillors

G Thomas

LICENSING SUB-COMMITTEE B - TUESDAY, 3 JULY 2018

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD IN COMMITTEE ROOMS 2/3 - CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 3 JULY 2018 AT 10:00

Present

Councillor PA Davies – Chairperson

A Hussain
G Thomas

B Jones

MJ Kearn

JE Lewis

Apologies for Absence

RM James

Officers:

Mark Galvin	Senior Democratic Services Officer - Committees
Andrea Lee	Senior Lawyer
Yvonne Wittchell	Team Manager Licensing

68. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor RM James.

69. DECLARATIONS OF INTEREST

None.

70. APPROVAL OF MINUTES

RESOLVED: That the public Minutes of a meeting of the Licensing Sub-Committee B dated 18 April 2018, be approved as a true and accurate record.

71. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Corporate Director Operational and Partnership Services submitted a report, the purpose of which, was to ask the Sub-Committee to consider an application to grant a licence for a private hire vehicle.

The application was made by Leanne Davies T/a Driven Personal Hire Limited to licence a Mercedes C220 vehicle registration number CN13 KFU as a private hire vehicle to seat 4 persons.

The application fell outside the Private Hire Vehicle Policy approved by the Licensing Committee. The vehicle was not wheelchair accessible, though there were specific guidelines in respect of the first licensing of private hire vehicles which fall outside policy guidelines, as set out in the report. The vehicle had a service history.

Members then inspected the vehicle, when it was confirmed that its current mileage was 66,275.

They then retired to consider the application further, following which it was

RESOLVED: (1) The Sub-Committee considered the application for the licence of vehicle registration CN13 KFU.

- (2) The Sub-Committee noted that the application fell outside paragraph 2.1 of the Council's licensing policy guidelines.
- (3) The Sub-Committee agreed to grant the application referred to above as a private hire vehicle to seat 4 people as it met paragraphs 2.2 and 2.2.5 of the Licensing Policy, in view of the exceptional condition of the vehicle both in terms of its interior and exterior.

72. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Corporate Director Operational and Partnership Services submitted a report, the purpose of which, was to ask the Sub-Committee to consider an application to grant a licence for a private hire vehicle.

The application was made by Gary Shaw to licence a Seat Alhambra vehicle registration number LR17 FHK as a private hire vehicle to seat 6 persons.

The application fell outside the Private Hire Vehicle Policy approved by the Licensing Committee. The vehicle was not wheelchair accessible, though there were specific guidelines in respect of the first licensing of private hire vehicles which fall outside policy guidelines, as set out in the report. The vehicle had a service history.

Members then inspected the vehicle, when it was confirmed that its current mileage was 21,463.

Members then retired to consider the application further, following which it was

RESOLVED:

- (1) The Sub-Committee considered the application for the licence of vehicle registration LR17 FHK.
- (2) The Sub-Committee noted that the application fell outside paragraph 2.1 of the Council's licensing policy guidelines.
- (3) The Sub-Committee agreed to grant the application referred to above as a private hire vehicle to seat 6 people as it met paragraphs 2.2 and 2.2.5 of the Licensing Policy, in view of the exceptional condition of the vehicle both in terms of its interior and exterior.

73. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Corporate Director Operational and Partnership Services submitted a report, the purpose of which, was to consider an application to grant a licence for a private hire vehicle.

Application was made by Peyton Travel Limited, to licence a Dacia Logan Laureate vehicle registration number BN16 WCV as a private hire vehicle to seat 4 persons.

The application fell outside the Private Hire Vehicle Policy approved by the Licensing Committee. The vehicle was not wheelchair accessible, though there were specific guidelines in respect of the first licensing of private hire vehicles which fall outside policy guidelines, as set out in the report. The vehicle had a service history.

Members then inspected the vehicle, when it was confirmed that its current mileage was 26,917.

Members then retired to consider the application further, following which it was

- RESOLVED:
- (1) The Sub-Committee considered the application for the licence of vehicle registration BN16 WCV.
 - (2) The Sub-Committee noted that the application fell outside paragraph 2.1 of the Council's licensing policy guidelines.
 - (3) The Sub-Committee agreed to grant the application referred to above as a private hire vehicle to seat 4 people as it met paragraphs 2.2 and 2.2.5 of the Licensing Policy, in view of the exceptional condition of the vehicle both in terms of its interior and exterior.

74. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Corporate Director Operational and Partnership Services presented a report, the purpose of which, was to ask the Sub-Committee to consider an application to grant a licence for a private hire vehicle.

An application was made by Peyton Travel Limited, to licence a Dacia Logan Laureate vehicle registration number EX66 FFB as a private hire vehicle to seat 4 persons.

The application fell outside the Private Hire Vehicle Policy approved by the Licensing Committee. The vehicle was not wheelchair accessible, though there were specific guidelines in respect of the first licensing of private hire vehicles which fall outside policy guidelines, as set out in the report. The vehicle did not have a service history, as it had not yet met the required mileage for a service.

Members then inspected the vehicle, when it was confirmed that its current mileage was 11,346.

Members then retired to consider the application further, following which it was

- RESOLVED:
- (1) The Sub-Committee considered the application for the licence of vehicle registration EX66 FFB.
 - (2) The Sub-Committee noted that the application fell outside paragraph 2.1 of the Council's licensing policy guidelines.
 - (3) The Sub-Committee agreed to grant the application referred to above as a private hire vehicle to seat 4 people as it met paragraphs 2.2 and 2.2.5 of the Licensing Policy, in view of the exceptional condition of the vehicle both in terms of its interior and exterior.

75. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Corporate Director Operational and Partnership Services submitted a report, the purpose of which, was to ask the Sub-Committee to consider an application to grant a licence for a private hire vehicle.

Application was made by Peyton Travel Limited, to licence a Renault Trafic Business vehicle registration number EY66 ZVV as a private hire vehicle to seat 8 persons.

The application fell outside the Private Hire Vehicle Policy approved by the Licensing Committee. The vehicle was not wheelchair accessible, though there were specific guidelines in respect of the first licensing of private hire vehicles which fall outside policy guidelines, as set out in the report. The vehicle did not have a service history, as it had not yet met the required mileage for a service.

Members then inspected the vehicle, when it was confirmed that its current mileage was 5,415.

Members then retired to consider the application further, following which it was

- RESOLVED:
- (1) The Sub-Committee considered the application for the licence of vehicle registration EX66 ZVV.
 - (2) The Sub-Committee noted that the application fell outside paragraph 2.1 of the Council's licensing policy guidelines.
 - (3) The Sub-Committee agreed to grant the application referred to above as a private hire vehicle to seat 8 people as it met paragraphs 2.2 and 2.2.5 of the Licensing Policy, in view of the exceptional condition of the vehicle both in terms of its interior and exterior.

76. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Corporate Director Operational and Partnership Services submitted a report, the purpose of which, was to ask the Sub-Committee to consider an application to grant a licence for a private hire vehicle.

Application was made by Peyton Travel Limited, to licence a Vauxhall Vicaro CDTI vehicle registration number LC65 OXU as a private hire vehicle to seat 8 persons.

The application fell outside the Private Hire Vehicle Policy approved by the Licensing Committee. The vehicle was not wheelchair accessible, though there were specific guidelines in respect of the first licensing of private hire vehicles which fall outside policy guidelines, as set out in the report. The vehicle had a service history.

Members then inspected the vehicle, when it was confirmed that its current mileage was 63,133.

Members noted from the report, that one of the reasons whereby Members could depart from the Licensing Policy, was if the vehicle was presented in an exceptional condition in relation to its exterior and interior appearance, with no evidence of defects, chips, marks or other evidence of unreasonable wear and tear or damage.

Members noted during inspection of the vehicle, that it had some dents and markings to the vehicle, which was a contravention of paragraph 2.2.5 of the Policy.

Members then retired to consider the application further, following which it was

- RESOLVED:
- (1) The Sub-Committee considered the application for the licence of vehicle registration LC65 OXU.

(2) The Sub-Committee noted that the application fell outside paragraph 2.1 of the Council's Licensing Policy guidelines.

(3) Members further noted that the vehicle had some small defects to its bodywork as referred to above, and for this reason, the application was refused as it was out of accord with the provisions of the above mentioned Policy.

77. **APPLICATION TO LICENCE PRIVATE HIRE VEHICLE**

The Corporate Director Operational and Partnership Services submitted a report, which asked the Sub-Committee to consider an application to grant a licence for a private hire vehicle

Application was made by Peyton Travel Limited, to licence a Vauxhall Vario CDTI vehicle registration number LO65 XGK as a private hire vehicle to seat 8 persons.

The application fell outside the Private Hire Vehicle Policy approved by the Licensing Committee. The vehicle was not wheelchair accessible, though there were specific guidelines in respect of the first licensing of private hire vehicles which fall outside policy guidelines, as set out in the report. The vehicle had a service history.

Members then inspected the vehicle, when it was confirmed that its current mileage was 68,099.

Members then retired to consider the application further, following which it was

RESOLVED:

(1) The Sub-Committee considered the application for the licence of vehicle registration LO65 XGK.

(2) The Sub-Committee noted that the application fell outside paragraph 2.1 of the Council's licensing policy guidelines.

(3) The Sub-Committee agreed to grant the application referred to above as a private hire vehicle to seat 8 people as it met paragraphs 2.2 and 2.2.5 of the Licensing Policy, in view of the exceptional condition of the vehicle both in terms of its interior and exterior.

78. **URGENT ITEMS**

None.

79. **EXCLUSION OF THE PUBLIC**

RESOLVED:

That under Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following items of business as they contained exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Act.

Following the application of the public interest test it was resolved that pursuant to the Act referred to above, to consider

the following items in private, with the public excluded from the meeting, as it was considered that in all the circumstances relating to the items, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, because the information would be prejudicial to the applicants so mentioned.

- 80. APPROVAL OF EXEMPT MINUTES
- 81. APPLICATION FOR GRANT OF LICENCES
- 82. APPLICATION FOR GRANT OF LICENCES
- 83. APPLICATION FOR GRANT OF LICENCES
- 84. APPLICATION FOR GRANT OF LICENCES

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

28 AUGUST 2018

REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES

APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

1. Purpose of report

- 1.1 The purpose of this report is to ask the sub-committee to consider an application to grant a licence for a private hire vehicle.

2. Connection to corporate improvement objectives/other corporate priorities

- 2.1 There is no direct link to the Corporate Improvement Plan / Other Corporate Priority.

3. Background

- 3.1 It is the duty of the Local Authority to determine applications made under the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847. Applications which fall outside the policy guidelines are referred to a Licensing Sub-Committee for determination.

4. Current situation/proposal

- 4.1 Application is made by Paul A May, to licence a Toyota Avensis vehicle registration number FA17 JJX as a private hire vehicle to seat 4 persons.

- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 7 August 2017.

- 4.3 The application falls outside the Private Hire Vehicle Policy approved by the Licensing Committee. The vehicle is not wheelchair accessible, but there are specific policy guidelines in respect of the first licensing of private hire vehicles which fall outside policy guidelines, which are set out below. For Members' information there is no service history on this vehicle as the requirement for a service has not yet been reached. An enforcement officer viewed the vehicle on 8 August 2018 and the vehicle was presented in good condition with the mileage at 17084.

4.4 Policy Guidelines

The vehicle policy applicable to this application was approved by the Licensing Committee on 10 March 2008. The relevant extract from the policy is as follows:

“(Policy 2.1) Applications for the first licensing of a hackney carriage or private hire vehicle should be submitted to the Council within 14 days of the first registration of the vehicle at the DVLA. The mileage at the time of application should be no greater than 500 miles. The applicant may be the second or a subsequent

registered keeper but the applicant must demonstrate that there is no more than 14 days between the first registration and transfer to the applicant's name. Applications will normally be dealt with under the Scheme of Delegation to Officers.

(Policy 2.2) Applications for the first licensing of vehicles falling outside the above policy guidelines will normally be refused but a relaxation of the policy may be considered in exceptional circumstances. The general guidelines for relaxation of the policy are as follows but each case will be dealt with on its merits:

(Policy 2.2.5) A relaxation of the policy will also be considered in exceptional circumstances for applications relating to the first licensing of private hire vehicles. The Council does not seek to limit or define a particular vehicle which is suitable but will adhere to the minimum standards for the size of seats and legroom etc which are available on request. Irrespective of the age of the vehicle it must be capable of satisfying the general licensing conditions and be fit for purpose as a private hire vehicle in terms of passenger safety and comfort. Each application will be reported to the Licensing Sub-Committee for determination on its merits having regard to the following criteria:

- That the vehicle presented is in an exceptional condition in relation to its exterior and interior appearance with no evidence of defects, chips, marks or other evidence of unreasonable wear and tear or damage.*
- That the vehicle presented offers an exceptional standard of safety and comfort for passengers in terms of features offered for example ABS, passenger airbags and ability to meet current requirements on emissions testing.*
- That the application includes evidence that the vehicle has been serviced at the intervals recommended by the manufacturer and at an approved garage. Other relevant documentations such as an MOT certificate should also be provided.*

(Policy 2.4) All applicants should be satisfied that they can meet all current policy requirements before submitting an application and are advised that they submit an application which falls outside the above policy guidelines at their own risk. Acceptance of an application does not infer that it will be granted. Applicants are strongly advised not to purchase a vehicle or make any other financial commitment until the application is determined.”

5. Effect upon policy framework and procedure rules

5.1 None

6. Equality Impact Assessment

6.1 This vehicle is not for wheelchair use. There are no other implications in relation to age; disability; gender and transgender; race; religion or belief and non-belief; sexual orientation.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

8. Financial implications

8.1 None for the authority

9. Recommendation

9.1 The Sub-Committee is asked to determine the application having regard to the information contained within this report.

Kelly Watson
HEAD OF LEGAL AND REGULATORY SERVICES

Date 21 August 2018

Yvonne Witchell
Team Manager Licensing

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Background documents

Private Hire Vehicle Application
Private Hire Vehicle Policy Guidelines

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