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Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

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
dewis iaith.*

*We welcome correspondence in Welsh. Please
let us know if your language choice is Welsh.*



Annwyl Cyngorydd,

IS-BWYLLGOR TRWYDDEDU (A)

Cynhelir Cyfarfod Is-Bwyllgor Trwyddedu (A) o bell trwy Skype for Business ar **Dydd Mawrth, 13 Hydref 2020** am **10:00**.

AGENDA

1. Ymddiheuriadau am absenoldeb
Derbyn ymddiheuriadau am absenoldeb gan Aelodau.
2. Datganiadau o fuddiant
Derbyn datganiadau o ddiddordeb personol a rhagfarnol (os o gwbl) gan Aelodau / Swyddogion yn unol â darpariaethau'r Cod Ymddygiad Aelodau a fabwysiadwyd gan y Cyngor o 1 Medi 2008.
3. Cymeradwyaeth Cofnodion 3 - 4
I dderbyn am gymeradwyaeth y Cofnodion cyfarfod y 15/09/2020
4. Cais i Drwyddedu Cerbyd Hurio Preifat 5 - 12
5. Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1982, Cais i Adnewyddu Trwydded Sefydliad Rhyw, The Private Shop 72 Bridgend Road, Abercynffig 13 - 16
6. Materion Brys
I ystyried unrhyw eitemau o fusnes y, oherwydd amgylchiadau arbennig y cadeirydd o'r farn y dylid eu hystyried yn y cyfarfod fel mater o frys yn unol â Rhan 4 (pharagraff 4) o'r Rheolau Trefn y Cyngor yn y Cyfansoddiad.

Nodyn: Sylwch: Yn sgil yr angen i gadw pellter cymdeithasol, ni fydd y cyfarfod hwn yn cael ei gynnal yn ei leoliad arferol. Yn hytrach, bydd hwn yn gyfarfod rhithwir a bydd Aelodau'r Cyngor a Swyddogion yn mynychu o bell. Bydd y cyfarfod yn cael ei recordio i'w ddarlledu ar wefan y Cyngor cyn gynted ag sy'n ymarferol ar ôl y cyfarfod. Os oes gennych unrhyw gwestiwn am hyn, cysylltwch â cabinet_committee@bridgend.gov.uk neu ffoniwch 01656 643147 / 643148.

Ffôn/Tel: 01656 643643

Facs/Fax: 01656 668126

Ebost/Email: talktous@bridgend.gov.uk

Negeseuon SMS/ SMS Messaging: 07581 157014

[Twitter@bridgendCBC](https://twitter.com/bridgendCBC)

Gwefan/Website: www.bridgend.gov.uk

Cyfnwyd testun: Rhowch 18001 o flaen unrhyw un o'n rhifau ffon ar gyfer y gwasanaeth trosglwyddo testun

Text relay: Put 18001 before any of our phone numbers for the text relay service

Rydym yn croesawu gohebiaeth yn y Gymraeg. Rhowch wybod i ni os yw eich dewis iaith yw'r Gymraeg

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Yn ddiffuant

K Watson

Prif Swyddog – Gwasanaethau Cyfreithiol, Adnoddau Dynol a Rheoleiddio

Dosbarthiad:

Cynghowrwy

TH Beedle

RJ Collins

MJ Kearns

Cynghorwyr

DRW Lewis

AA Pucella

G Thomas

Cynghorwyr

JE Williams

Presennol

Y Cyngorydd DRW Lewis – Cadeirydd

TH Beedle
JE Williams

RJ Collins

MJ Kearn

AA Pucella

Swyddogion:

Kirsty Evans

Andrea Lee

Michael Pitman

Uwch Swyddog Trwyddedu

Uwch Cyfreithiwr

Swyddog Gwasanaethau Democraidd – Pwyllgorau

262. DATGANIADAU O FUDDIANT

Dim

263. DERBYN Y COFNODION

PENDERFYNWYD: Derbyn cofnodion y cyfarfod a gynhaliwyd ar 10/03/2020 fel rhai cywir.

264. CAIS I DRWYDDEDU CERBYD HURIO PREIFAT

Cyflwynodd y Prif Swyddog - Gwasanaethau Cyfreithiol, AD a Rheoli adroddiad yn gofyn i'r is-bwyllgor ystyried cais i ganiatáu trwydded i Gerbyd Hurio Preifat.

Gwnaethpwyd y cais gan Mr Paul Brain, Peyton Travel Limited ym Mhen-y-bont ar Ogwr i drwyddedu Vauxhall Vivaro, rhif cofrestru'r cerbyd LO16 HCJ, fel cerbyd hurio preifat i gludo 8 unigolyn. Roedd y cerbyd yn un ail law ac fe'i cofrestrwyd â'r DVLA am y tro cyntaf ar 23 Mawrth 2016. Milltiroedd presennol y cerbyd oedd 80,089.

Dywedodd yr Uwch Swyddog Trwyddedu nad oedd y cais yn bodloni'r Polisi Cerbyd Hurio Preifat a gymeradwywyd gan y Pwyllgor Trwyddedu. Nid oedd y cerbyd yn addas i gadair olwyn. Cyflwynwyd adroddiad gwasanaeth wedi'i ddyddio 21 Tachwedd 2017, gyda'r milltiroedd yn cael eu cofnodi yn 25225, 10 Chwefror 2019 gyda milltiroedd yn 52253 a 17 Ionawr 2020 gyda milltiroedd yn 74488.

Ar 8 Medi 2020, archwiliwyd y cerbyd gan Swyddog Gorfodi Trwyddedau a chanfuwyd bod y cerbyd mewn cyflwr da. Darparwyd ffurflen Asesu Cerbyd yn Atodiad A yr adroddiad.

Bu i'r Uwch Swyddog Trwyddedu gyfeirio'r Is-Bwyllgor at y detholiad perthnasol o'r polisi cerbyd sy'n berthnasol i'r cais hwn.

PENDERFYNWYD: Ystyriodd yr Is-Bwyllgor y cais i drwyddedu'r cerbyd â'r rhif cofrestru LO16 HCJ fel cerbyd hurio preifat.

Nododd yr aelodau bod y cais yn mynd y tu hwnt i'r Polisi Trwyddedu ym mharagraff 2.1 oherwydd oedran y cerbyd.

Nododd yr aelodau bod y Polisi ym mharagraff 2.2.5 yn caniatáu i'r rheol gael ei llacio dan amgylchiadau eithriadol.

Ar ôl archwilio'r ffurflen Asesu Cerbyd yn Atodiad A, roedd yr Is-bwyllgor yn credu bod y cerbyd mewn cyflwr addas ac felly, cymeradwywyd y drwydded.

265. CAIS I DRWYDDEDU CERBYD HURIO PREIFAT

Cyflwynodd y Prif Swyddog - Gwasanaethau Cyfreithiol, AD a Rheoli adroddiad yn gofyn i'r is-bwyllgor ystyried cais i ganiatáu trwydded i Gerbyd Hurio Preifat.

Gwnaethpwyd y cais gan Driven Personal Hire Limited ym Mhorthcawl i drwyddedu Mercedes C200, rhif cofrestru'r cerbyd CN13 KFU, fel cerbyd hurio preifat i gludo 4 unigolyn. Roedd y cerbyd yn un ail law ac fe'i cofrestrwyd â'r DVLA am y tro cyntaf ar 5 Mawrth 2015. Milltiroedd presennol y cerbyd oedd 113,767.

Dywedodd yr Uwch Swyddog Trwyddedu nad oedd y cais yn bodloni'r Polisi Cerbyd Hurio Preifat a gymeradwywyd gan y Pwyllgor Trwyddedu. Nid oedd y cerbyd yn addas i gadair olwyn. Ni chyflwynwyd adroddiad gwasanaeth gan fod y cerbyd yn gerbyd Hurio Preifat tan y dyddiad terfynu, sef 12 Gorffennaf 2019. Ni wnaethpwyd cais i adnewyddu ar yr adeg hon.

Ar 24 Awst 2020, archwiliwyd y cerbyd gan Swyddog Gorfodi Trwyddedau a chanfuwyd bod y cerbyd mewn cyflwr da. Darparwyd ffurflen Asesu Cerbyd yn Atodiad A yr adroddiad.

Bu i'r Uwch Swyddog Trwyddedu gyfeirio'r Is-Bwyllgor at y detholiad perthnasol o'r polisi cerbyd sy'n berthnasol i'r cais hwn.

PENDERFYNWYD: Ystyriodd yr Is-Bwyllgor y cais i drwyddedu'r cerbyd â'r rhif cofrestru CN13 KFU fel cerbyd hurio preifat.

Nododd yr aelodau nad oedd y cais yn bodloni'r Polisi Trwyddedu ym mharagraff 2.1 oherwydd oedran y cerbyd.

Nododd yr aelodau bod y Polisi ym mharagraff 2.2.5 yn caniatáu i'r rheol gael ei llacio dan amgylchiadau eithriadol.

Ar ôl archwilio'r ffurflen Asesu Cerbyd yn Atodiad A, roedd yr Is-bwyllgor yn credu bod y cerbyd mewn cyflwr addas ac felly cymeradwywyd y drwydded.

266. EITEMAU BRYS

Dim

Daeth y cyfarfod i ben am 10:20

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING COMMITTEE

13 OCTOBER 2020

REPORT OF THE CHIEF OFFICER – LEGAL, HR 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 well-being objectives/other corporate priorities

- 2.1 This report relates to the Council's regulatory functions. There is no direct link to the corporate well-being objectives / other corporate priorities.

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 An application is made by Andrea Bovingdon of North Cornelly to licence a Volvo V50 SE vehicle registration number BO12 VPO as a private hire vehicle to seat 4 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 1 March 2012.
- 4.3 The application falls outside the Private Hire Vehicle Policy approved by the Licensing Committee. The vehicle is not wheelchair accessible. A service report has been submitted for 23/05/2013 with the mileage recorded at 11,948; 14/05/2014 with mileage at 24,784; 10/07/2015 with mileage at 34,523; 05/08/2016 with mileage at 42,730; 04/08/2017 with mileage at 50,918; 25/07/2018 with mileage at 59,310 and 01/08/2019 with mileage at 67,353. A current MOT has been submitted dated 20/08/2020 with the mileage recorded at 71,797.
- 4.4 On the 18 September 2020 an Enforcement Officer inspected the vehicle and the vehicle was found to be in good condition. A Vehicle Assessment Form is provided at Appendix A. At the time of inspection the mileage was recorded at 71,859.
- 4.5 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.*

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
CHIEF OFFICER – LEGAL, HR AND REGULATORY SERVICES

Date 7 October 2020

Yvonne Witchell
Team Manager Licensing

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E-mail: Yvonne.Witchell@bridgend.gov.uk

Postal Address Civic Offices, Angel Street, Bridgend, CF31 4WB

Background documents

Private Hire Vehicle Application
Private Hire Vehicle Policy Guidelines

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Vehicle Assessment Form

Completed by:

DAVID BARRETT.

Date:

18/09/2020.

HC / PH Number:

Vehicle Registration:

BD12 VPO

Vehicle Make / Model:

VOLVO V50

Vin Number:

Mileage on Inspection:

71,859 MILES

Owner Details:

ANDREA BOVINGTON
14 HEOL LAS,
NORTH CORNELLY
BRIDGEEND,
CF33 4AS.

Exterior

<p>Clean Free from dents/rust No missing trims Scrapes / Scratches Loose Panels</p>	Yes / No
<p>Paintwork in uniform colour and free from chips and scratches No egg shell finish No different shades or colours either inside or outside which are visible to the public</p>	Yes / No
<p>Front and Rear registration plate clean Registration plate not obstructed by tow bar Registration plate unbroken and conform to relevant legislation</p>	Yes / No
<p>Trim panels secure with no sharp edges All wing mirrors in good condition and fixed as per manufacturer's specification (Not fixed secured, covered in duct tape.</p>	Yes / No
<p>Windscreen to be clean and free of scratches or chips</p>	Yes / No
<p>Wheels / tyres fit for purpose and free from defects All wheel trims to be fitted according to the manufacturer's specification and all matching</p>	Yes / No
<p>Lights operational Side, dip, full beam, brake, reverse, fog, indicators 'For Hire' light (if applicable)</p>	Yes / No
<p>Washers / Wipers operational and in working order</p>	Yes / No
<p>Horn Operational</p>	Yes / No

Interior

Seats free from dirt, tears and stains All seat covers matching Fitted carpets free of stains or holes	Yes / No
No missing trims All internal panels to be clean and match original trim	Yes / No
Seat belts, clean and attachments functioning correctly with no signs of deterioration All anchorage point covers properly fitted with no sharp edges	Yes / No
Windows / doors open correctly and in working order All doors must be able to be opened from the inside	Yes / No
Luggage space / boot clean and tidy	Yes / No

Other

Steps / Ramps free from defects with no missing parts	<i>N/A.</i>	Yes / No
Details of any other non-compliance		

Meets Minimum Size Specification: Yes / No *Rear Seat Configuration*

Recommended for plating: Yes / No *18.*

Licensing Office Informed: Yes / ~~No~~ *18 inches, 14 inches, 18 inches*

Re-inspection date (If applicable): *N/A*

Signed: *[Signature]* Date: *18/09/2020.*

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB-COMMITTEE

13 OCTOBER 2020

REPORT OF THE CHIEF OFFICER – LEGAL, HR AND REGULATORY SERVICES

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
APPLICATION FOR RENEWAL OF SEX ESTABLISHMENT LICENCE
THE PRIVATE SHOP 72 BRIDGEND ROAD ABERKENFIG

1. Purpose of report

- 1.1 An application has been received from Darker Enterprises Limited for the renewal of the Sex Establishment Licence in respect of the above premises and is placed before the Sub-Committee for consideration as powers have not been delegated under the Scheme of Delegation to Officers.

2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report relates to the Council's regulatory functions. There is no direct link to the corporate well-being objectives / other corporate priorities.

3. Background

- 3.1 The current licence is subject to the Council's standard conditions and to the special conditions attached at Appendix A. The hours of trading are from 0930 to 2000 hours Monday to Saturday and from 1000 to 1600 hours on Sunday.
- 3.2 There have been no recommendations from the statutory consultees to vary the current standard or special conditions in force and no representations or objections from the public have been received.

4. Current situation/proposal

- 4.1 The applicant has complied with the statutory requirements to advertise the application.

4.2 Response to Public Notice:

The Council has not received any objections within the prescribed timescale.

4.3 Representations from Statutory Consultees:

No representations have been received from the statutory consultees, Ward Member or Town and Community Council.

The South Wales Police have confirmed that the applicant and the manager have no relevant convictions.

- 4.4 An inspection has been carried out by the Council's Enforcement Officer and no breaches of the current licence were identified.
- 4.5 There is no Council policy relating to the grant of licences for this category of establishment.
- 4.6 Guidance to Members: The Hearing

The Council is required to give an opportunity to the applicant to appear before them and be heard before it can refuse an application.

The Sub-Committee may wish to consider the application on the basis of the application itself, the information supplied by the applicant and objections and any representations received. It must, however, bear in mind that if, after consideration of this information, it is minded to refuse the application, it must give the applicant an opportunity to be heard before it concludes its deliberations.

Guidance for Members: Grounds for refusal of application

Under Schedule 3 of Paragraph 12 of the Local Government (Miscellaneous Provisions) Act 1982, the Council may refuse an application on one or more of the following grounds:-

- A. that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason,
- B. that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of the person, other than the applicant, who would be refused the grant, renewal and transfer of such a licence if he made the application himself.
- C. that the number of sex establishments in the relevant locality at the time of the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality.
- D. that the grant or renewal of the licence would be inappropriate, having regard
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put;
or,
 - (iii) to the layout, character or condition of the premises,
vehicle, vessel or stall in respect of which the application is made

The Sub-Committee is advised that if it is minded to grant an application, It can impose conditions, terms and restrictions in addition to the standard and special conditions currently in force.

- 4.7 Rights of Appeal

An applicant may at any time, before the expiration of 21 days from the date of notification, appeal to the Magistrates' Court if the application is refused.

Similarly, the holder of the licence has 21 days to appeal to the Magistrates' Court if aggrieved by any term, condition or restriction placed upon the licence.

These rights of appeal do not apply if refusal is due to the status of the applicant under section 12(1) of the Act and also do not apply if refusal is due to either Ground C or D referred to in the above-mentioned Grounds for Refusal.

5. Effect upon policy framework and procedure rules

5.1 None

6. Equality Impact Assessment

6.1 There are no implications in relation to age; disability; gender and transgender; race; religion or belief and non-belief or sexual orientation.

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

7.1 Prevention/Integration/Collaboration: The Council is a regulatory body with responsibility for pre-licensing guidelines and checks, together with compliance and enforcement. This includes internal and external collaboration and inspection reports prior to determination. Each case is determined on its merits.

8. Financial implications

8.1 None

9. Recommendation

9.1 The powers available to the Sub-Committee are as follows:

9.1.1 To renew the licence subject to the existing terms and conditions; or

9.1.2 To renew the licence subject to additional as amended terms and conditions;

or

9.1.3 To refuse to renew the licence, Under Schedule 3 Paragraph 10(19) of the Act a Sub-Committee must give the holder of the licence the opportunity of appearing and being heard before refusing to renew a licence.

K Watson
Chief Officer - Legal, HR and Regulatory Services

Dated 7 October 2020

Contact Officer: Yvonne Witchell

Telephone: 01656 643105

E mail: Yvonne.Witchell@bridgend.gov.uk

Postal Address: Civic Offices, Angel Street, Bridgend, CF31 4WB

Background documents: Application Form