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**Bridgend County Borough Council**  
Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr



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

Legal and Regulatory Services /  
**Gwasanaethau Cyfreithiol a Rheoleiddiol**  
Direct line / Deialu uniongyrchol: 01656 643148  
Ask for / Gofynnwch am: Mr Mark Anthony Galvin

Our ref / Ein cyf:  
Your ref / Eich cyf:

**Date / Dyddiad:** 7 Mehefin 2014

Dear Councillor,

**LICENSING SUB-COMMITTEE A**

A meeting of the Licensing Sub-Committee A will be held in Committee Room 2/3, Civic Offices Angel Street, Bridgend on **Dydd Mawrth, 10 Mehefin 2014 at 10.00 am.**

**AGENDA**

1. To receive apologies for absence
2. Cymeradwyaeth Cofnodion 3 - 24
3. The minutes/reports relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as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.
4. Officer's Confidential Report 25 - 42
5. To re-admit members of the Public
6. 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.

Yours faithfully  
**P A Jolley**  
Assistant Chief Executive Legal and Regulatory Services

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**Distribution:**

Councillors:

P James  
RD Jenkins  
B Jones

Councillors

JE Lewis  
HE Morgan  
E Venables

Councillors

R Williams

1.

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE (A) HELD IN COMMITTEE ROOM 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON TUESDAY, 18 MARCH 2014 AT 10.00AM

Present:

Councillor R Williams - Chairperson

Councillor P James      Councillor H E Morgan  
 Councillor B Jones      Councillor E Venables  
 Councillor J E Lewis

Officers:

R Morris      -      Senior Licensing Assistant  
 J Evans      -      Legal Officer  
 A Rees      -      Senior Democratic Services Officer - Committees

340      APOLOGIES FOR ABSENCE

An apology for absence was received from the following Member for the reason so stated:-

Councillor G Thomas      -      Medical Appointment

341      MINUTES OF THE PREVIOUS MEETINGS

RESOLVED:      That the minutes of the special meeting of the Licensing Sub-Committee of 31 January 2014 and the minutes of the Licensing Sub-Committee of the 18 February 2014 be approved as a true and accurate record.

342      DECLARATIONS OF INTEREST

None.

343      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 contain exempt information as defined in Paragraphs 12 of Part 4 and 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.

Minute Nos.      Summary of Item:

344      Confidential minutes of the meetings of the Licensing Sub-Committee of 18 February 2014.

345 Applications for the grant of Hackney Carriage and  
Private Hire Drivers licence.

MINUTES OF A SPECIAL MEETING OF THE LICENSING SUB-COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON TUESDAY, 8 APRIL 2014 AT 10.00AM

Present:

Councillor R Williams - Chairperson

Councillors

B Jones  
G Thomas

Officers:-

Y Witchell - Licensing and Registration Officer  
R Morris - Senior Licensing Assistant  
S Jones - Licensing Assistant  
R Young - Legal Officer  
A Rees - Senior Democratic Services Officer - Committees

Representing South Wales Police

Sgt D Williams  
P.C. K Ellis  
K Gould - Operational Police Lawyer

Premises Licence Holder

Mr D Fisher of P7168 Limited  
Ms W Wang of P7168 Limited

357 APOLOGIES FOR ABSENCE

None.

358 DECLARATIONS OF INTEREST

None.

359 LICENSING ACT 2003: SECTION 51 APPLICATION FOR REVIEW OF PREMISES LICENCE GOLDEN BOWL CHINESE TAKEAWAY, 80 NOLTON STREET, BRIDGEND

The Licensing and Registration Officer reported on an application submitted by the Chief Officer of Police for a review of the premises licence of the Golden Bowl Chinese Takeaway, 80 Nolton Street, Bridgend. She stated that the Premises Licence Holder is P7168 Limited and the premises authorises the provision of late night refreshment only between 2300 and 0000 hours Monday to Sunday. The application had been advertised in accordance with the regulations; there had been no representations received or additional documents for the Sub-Committee's consideration.

Mr Fisher informed the Sub-Committee that P7168 Limited's interest in the premises had now ended and the premises licence was in the process of being transferred as the problems caused at the premises was more that it was worth and there was no requirement for the hearing to proceed. He stated that an application for the transfer of the licence had not yet been made.

Ms Wang informed the Sub-Committee that the transfer of the premises licence would be made today. She stated that P7168 Limited is a company which specialises in developing take away establishments and gave advice to Premises Licence Holders to increase sales. Ms Wang also informed the Sub-Committee that P7168 Limited had been asked by the previous Premises Licence Holder Mr Giu Liu to help improve the level of service provided at the Golden Bowl.

The Licensing and Registration Officer informed the Sub-Committee that the hearing would need to proceed as the application made by South Wales Police was for the revocation of the licence. Mr Fisher informed the Sub-Committee that the premises licence was being relinquished and that P7168 Limited would have no interest in the premises. The Licensing and Registration Officer informed the Sub-Committee that the application for the review of the premises licence had been made by South Wales Police on 7 February 2014 and the time period for representations had elapsed. Ms Wang informed the Sub-Committee that the new owner had purchased the premises on 27 February 2014 and intended to apply for a premises licence. She stated that the previous Premises Licence Holders Mr & Mrs Liu had created a bad impression in their running of the premises and had since sold all their assets and re-locating away from Bridgend.

The Licensing and Registration Officer informed the Sub-Committee that there had been no application for the transfer of the premises licence and the hearing must proceed. The Legal Officer questioned the Premises Licence Holders as to whether they had an objection to the application for the review of the premises licence proceeding. The Premises Licence Holders informed the Sub-Committee that they would listen to what is said, but if there were legal arguments put forward would require an adjournment. PC Ellis informed the Sub-Committee that application for the review of the premises licence would follow the same procedure as that followed in the review of the premises licence of the Noble House take away, Pencoed.

The Licensing and Registration Officer invited South Wales Police to present their application for the review of the premises licence.

PC Ellis informed the Sub-Committee that if P7168 Limited was no longer involved as Premises Licence Holder it could surrender the licence and South Wales Police could either object or consent to the application.

Ms Wang informed the Sub-Committee that P7168 Limited wanted to confront the previous problems associated at the premises which was their reason for attending the hearing in order to clarify their position and proposed to submit an application for the transfer of the licence. The Sub-Committee considered that there had been no evidence of an application for the transfer of the premises licence.

The Sub-Committee adjourned at 10.17am and reconvened at 10.21am.

The Chairperson informed the Sub-Committee that P7168 Limited could surrender the licence in writing. Ms Wang asked what would be the effect on the running of the premises should the licence be surrendered. The Chairperson informed the Sub-Committee that in the event of the licence being surrendered the premises would have to close at 2300 hours. Mr Fisher questioned what would be the position for the new Premises Licence Holder. The Operational Police Lawyer informed the Sub-Committee that Section of the Licencing Act allowed for the reinstatement of a premises licence after revocation.

The Operational Police Lawyer requested that the hearing continue. Mr Fisher informed the Sub-Committee that P7168 Limited would surrender the licence.

The Sub-Committee adjourned at 10.24am and reconvened at 10.41am.

PC Ellis commenced his submission by emphasising that was important to note that in relation to reviews Sub-committees must not only have regard to Section 11 of the Home Office guidance issued under the Licensing Act 2003 but also Section 12 of the Council's "Statement of Licensing Policy" which dictates that reviews represent a key protection for the community if problems arise at licensed venues. He stated that information highlighted within the review demonstrates that staff are not promoting public safety and the prevention of crime and disorder. He informed the Sub-Committee that licensing authorities should look to the police as the main source of advice on crime and disorder and should also seek to involve the local Community Safety Partnership. He also stated that the Licensing Department of South Wales Police is an integral part of the Community Safety Partnership and this was not a statement which had emanated from the Chief Officer of Police but was highlighted at Section 2 of the guidance which relates to the licensing objectives and in particular Sub-section 2.1 Crime and Disorder.

PC Ellis informed the Sub-Committee that a number of sub-sections within the review guidance refer to the review being of the premises licence, there was no reference made in this section to the licence holder. He stated that South Wales Police was reviewing the premises itself as it was being regularly used for the trafficking of Chinese nationals into the UK which would strongly suggest organised criminality. He submitted that The Golden Bowl is effectively a conduit facilitating crime and that management are at best condoning the trafficking of illegal migrants or at worst are facilitating that offence either covertly or overtly or are employed by persons who are regularly committing that offence. What was of additional concern is that the antecedent history and criminal background of these workers is unknown which also fails to promote the objectives. He informed the Sub-Committee that there is a vast amount of documentation and help available to employers and there was no reason for any employer to employ migrants who are not permitted to work. He stated that it was quite clear that there had been a deliberate and sustained attempt to deceive the authorities by persistently employing illegal Chinese migrants. Enforcement by the UK Border Agency, which is all intelligence led, had led to numerous arrests. He informed the Sub-Committee that officers only swear out arrest warrants under the Immigration Act 1971 before a Justice of the Peace if reliable information is received that immigration offences are being committed. Additionally other forms of criminality have taken place as offences have also been committed under the Licensing Act, the Misuse of Drugs Act and the Theft Act.

PC Ellis informed the Sub-Committee that The Golden Bowl has a partner premises called the Noble House which was also a licensed Chinese takeaway situated in Pencoed and both premises are intrinsically linked. He stated that matters pertaining to the Noble House are included as they are relevant to the promotion of the licensing objectives. The licence holder of the Noble House was Guoying Liu who is a naturalised British citizen and has given his address on the licence as the Golden Bowl. Guoying Liu is the ex-husband of Siu Liu, and until recently, and for reasons which will be explained, she was licence holder of the Golden Bowl. Individuals and companies involved with both takeaways are so closely associated that South Wales Police do not feel that the current or previous licence holders are fit and proper persons to hold any licence. Other distinct correlations include the companies which are purportedly responsible for both takeaways, which includes P 7168 Limited which not only represented the previous licence holder of the Noble House but is itself the new holder of the licence of the Golden Bowl. Various subsidiary companies which have been fined by the Home Office after arrest warrants were executed by the UK Border Agency. ITCA (GB) Limited is the holding company for all these subsidiary companies, the same directors and secretaries of those companies. Guoying Liu has given one of 3 addresses as the Golden Bowl. Illegal migrant workers have been arrested at both takeaways. Illegal migrant workers who have given their address as

either the Golden Bowl or the Noble House or Guoying Liu's other 2 addresses. The takeaways are so closely linked that in 2005 the same person submitted both applications for the grant of each licence. The subsequent licences issued were allocated references BCBCLP494 for the Noble House and BCBCLP495 for the Golden Bowl. Despite both takeaways being subject of enforcement by South Wales Police and the UK Border Agency serious offending has continued.

PC Ellis informed the Sub-Committee that on 21<sup>st</sup> January 2014 a letter was sent to South Wales Police by Guoying Liu via F (30) Limited, another company under the umbrella of ITCA (GB) Limited where not one ounce of contrition was demonstrated. He stated that Guoying Liu had quite clearly stated, "I am not the employer of staff"..... "I did not check the identity documents of the staff because it was not my direct responsibility." Guoying Liu also stated that even though they were illegal immigrants they still had a right to privacy". PC Ellis stated that this was incorrect as they have to be thoroughly vetted. PC Ellis also stated that despite Guoying Liu being the licence holder and ultimately responsible for what goes on in his premises, he had completely absolved himself of any responsibility or wrongdoing choosing to blame a company called A Pool Limited. The representations of South Wales Police in respect of the application to transfer the licence from Siu Liu to P 7168 Limited were attached to this letter. However; this document should not be in the possession of Guoying Liu as it is addressed to P 7168 Limited but again demonstrates the link between both takeaways.

PC Ellis outlined the overall picture of enforcement at the Noble House is that in June, October and November 2013 the UK Border Agency executed 3 arrest warrants and found 10 illegal migrants working, 7 had illegally entered the UK, 1 had overstayed the terms of her visa and 2 were failed asylum seekers and 8 were arrested. If the UK Border was considering imposing a financial penalty on an employer for engaging in the employment of an illegal migrant worker then the procedure on evidencing the offence is that a Notice of Potential Liability (a NOPL) is served on the employer. PC Ellis stated that the evidence collated is subsequently examined by the Home Office Civil Penalty Compliance Team (CPCT) which determines whether the employer should be subject of a penalty Notice under Section 15 of the 2006 Act. A Notice of Liability (NOL) ordering payment of the penalty up to a maximum of £10,000 per worker is then served on behalf of the Secretary of State. As a consequence of the visit on 25 June 2013 the Home Office issued a penalty 21069 to A Pool Limited and on 4 September 2013 were fined £15,000 in respect of 3 migrants. As a result of a visit on 9 October 2013 a penalty of £17,500 was served on A Pool Limited for employing 2 illegal migrants.

PC Ellis informed the Sub-Committee that A Pool Limited is another of those 1,126 companies within the structure of a holding company called ITCA (GB) Limited and was incorporated on 5 April 2013. Winston Churchill House is the registered address of ITCA (GB) Limited and A Pool Limited however; it is merely a "post box" address in Birmingham. South Wales Police has recently been informed by the Home Office who informed that "we have encountered Winston Churchill House before as it appears to be a 'post box' for businesses, often Chinese restaurants that go into liquidation soon after receiving a penalty notice". PC Ellis informed the Sub-Committee that Yun Hui Zhou was appointed company director of A Pool Limited on 5 April 2013 and is a Chinese national residing in China. Simon Yuen Choi Poon was appointed company director on 5 April 2013 and resigned the same day. ITCA (GB) Limited is company secretary of A Pool Limited and was appointed on 5 April 2013. Simon Yuen Choi Poon is also the sole company director ITCA (GB) Limited. The fines issued to A Pool Limited total £32,500 but as with the Golden Bowl, the company has not paid a penny of these fines and the cases have been referred to a third party debt solicitors for recovery of the amount.



The Operational Police Lawyer questioned whether ITCA (GB) Limited is a holding company for companies which go into liquidation. PC Ellis confirmed that this was the case.

PC Ellis informed the Sub-Committee that on 13 November 2013 the UK Border Agency again executed a warrant and again 2 illegal immigrants were arrested. The Border Agency were accompanied by South Wales Police Licensing Officers and licensing offences were also detected i.e. failing to keep the licence at the premises; failing to produce the licence for inspection and failing to display a summary of the licence at the premises. He stated that the three offences are contrary to Section 57 and punishable by a maximum fine of £500. Staff had not only been involved in the regular employment of illegal migrants but when immigration offences are detected the same contempt was held by various companies for the fines issued.

PC Ellis informed the Sub-Committee that on 17 December 2013 as a direct consequence of the serious immigration offences being regularly committed at the Noble House takeaway and following strictly Home Office guidelines for triggering the review process South Wales Police made application under Section 51 of the Act to review the Premises Licence. On receipt of the review application P 7168 Limited which was by now the new licensee of the Golden Bowl, made application to transfer the licence on behalf of Rui Ya Wang. The fee was paid by cheque for and on behalf of F (30) Limited which is yet another company under the umbrella of ITCA (GB) Limited. PC Ellis stated that not once since the licence was granted in 2005 had there been an application to transfer the licence to other persons. The transfer application was served after the review process had commenced and South Wales Police are of the opinion that like the Golden Bowl the application was made not to promote the licensing objectives but a cynically motivated attempt to circumvent the review process.

PC Ellis informed the Sub-Committee that there is a requirement in an application to transfer licences to return the licence so that a new licence may be issued. However; P 7168 Limited indicated that the premises licence was lost when the licence holder Guoying Liu moved house. He stated that the licence must be kept at the premises and not at the Premises Licence Holder's home as this was an important document yet neither South Wales Police nor the Council had been informed of its loss. South Wales Police believe that as offences in relation to the licence itself were highlighted within the review i.e. not displaying it, keeping it at the premises or producing it for inspection, P 7168 Limited stated that it had been lost to try and circumvent any possible prosecution. Guoying Liu indicated that he had moved house however; the Licensing Authority had never been notified of his change of address which is contrary to Section 33 which is also punishable by a fine of £500, which was indicative of the management's attitude toward the Act.

PC Ellis informed the Sub-Committee that on 7 February 2014 the review hearing for the Noble House took place whereupon the Sub-committee fully supported South Wales Police and revoked the licence.

PC Ellis also informed the Sub-Committee subsequent enquiries into P 7168 Limited show that it is also one of 1,126 companies within the structure of ITCA (GB) Limited, and that P 7168 Limited is also based at Winston Churchill House. A company search revealed that P 7168 Limited was incorporated on 5 September 2013. David Fisher is listed as company secretary of P 7168 Limited having been appointed on 5 September 2013. ITCA (GB) Limited was appointed company secretary on 5 September 2013 and resigned the same day. The sole company director of P 7168 Limited is Bryan Fentham Banks who was appointed also on 5 September 2013. He was appointed as the sole board member on 8 November 2013 and has convictions for drug and theft offences. PC Ellis stated that Simon Yuen Choi Poon was appointed company director on 5 September 2013 and resigned the same day.

PC Ellis informed the Sub-Committee of a company called F (30) Limited being under the umbrella of ITCA (GB) Limited, which has also given Winston Churchill House as its address and was incorporated on 9 May 2011. The sole company director is Simon Yuen Choi Poon who was appointed on 9 May 2011 and has also given his address as c/o Winston Churchill House. There is no company secretary listed.

PC Ellis informed the Sub-Committee in relation to the holding company ITCA (GB) Limited which was newly incorporated on 21 November 2011. He stated that the sole company director is Simon Yuen Choi Poon who was appointed on 21 November 2011 and there was no company secretary listed. Simon Yuen Choi Poon is or has been company director or company secretary of 6 companies referred to in these representations 3 of which have been heavily fined.

PC Ellis informed the Sub-Committee that the guidance issued by the Home Office in relation to the review process is specific and very clear and focuses on “Reviews Arising in Connection with Crime”. He stated that Sub-section 11.27 of the guidance highlights that certain criminality should be treated particularly seriously, these activities include the use of licensed premises: -

- For the sale and distribution of Class A drugs
- For the laundering of the proceeds of drugs crime
- For the sale and distribution of illegal firearms
- For the sale of alcohol to minors
- For prostitution or the sale of unlawful pornography
- By organised groups of paedophiles to groom children
- As the base for organised criminal activity, particularly by gangs
- For the organisation of racist activity
- For the promotion of racist attacks
- For unlawful gambling
- For the sale of smuggled tobacco and alcohol

PC Ellis informed the Sub-Committee that these are serious offences and there is a growing concern with the number of illegal migrants working in the UK that the Home Office has included alongside these serious criminal activities, namely knowingly employing a person who is unlawfully in the UK.

PC Ellis informed the Sub-Committee that on 4 occasions over an 18 month period serious offences under the Immigration, Asylum and Nationality Act 2006 have been committed at the Golden Bowl as 10 male and female Chinese migrant workers have been employed all of whom had entered the UK illegally and were not permitted to work. As well as the immigration offences evidenced licensing offences and other offences have also been committed. One of the original key elements of licensing legislation was to provide a gradual dispersal of customers. PC Ellis stated that the takeaway is situated in the “Saturation Area” subject to the local authority’s “Statement of Licensing Policy” where licensing hours are tailored to individual premises.

The Operational Police Lawyer questioned PC Ellis in relation to the display of a sign showing later opening hours of trading at the premises. PC Ellis confirmed that there was a sign at the premises displaying later opening hours of trading which was then removed from the premises. He also confirmed that the Premises Licence Holders would have been aware they should have not been open for business later than midnight.

PC Ellis informed the Sub-Committee that on Friday 17 January 2014 licensing officers tasked Bridgend town centre officers with ascertaining if the new licence holder was complying with the authorisation. On Sunday 19 January 2014 officers noted that the takeaway was open 20 minutes after the authorised hours of midnight and two staff members were on duty behind the counter with a customer waiting inside. The sign in

the front window was illuminated further indicating that the premises were open for business. However; the lights were immediately switched off when staff realised that officers were observing their activities. Clearly South Wales Police had such serious concerns regarding this takeaway that a revocation application was submitted of which the new licence holder, P 7168 Limited was fully aware. PC Ellis stated that what of major concern was that the takeaway was not only open outside its hours but the offence was committed just three weeks after the first review hearing took place. This was despite the assurances given by David Fisher, the secretary of P 7168 Limited that the takeaway would close on time and the illegal opening times would be removed. PC Ellis stated that the attitude toward the Licensing Act of persons responsible for this takeaway was such that they were not only prepared to engage in licensable activity outside their permitted hours but also blatantly publicise opening times which are not authorised by the licence. The Golden Bowl has been subject of enforcement by both South Wales Police and the UK Border Agency, yet despite this attention serious offending continued.

360 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 contain exempt information as defined in Paragraphs 12, 13, 14 & 18 of Part 4 and/or of Part 4, and 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 these 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.

<u>Minute No.</u>	<u>Summary of Item:</u>
361	Licensing Act 2003 - Review of Premises Licence – Golden Bowl Chinese Takeaway, 80 Nolton Street, Bridgend - Appendix C only

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362 LICENSING ACT 2003: SECTION 51 APPLICATION FOR REVIEW OF PREMISES LICENCE GOLDEN BOWL CHINESE TAKEAWAY, 80 NOLTON STREET, BRIDGEND

PC Ellis informed the Sub-Committee that Section 11 of Home Office guidance issued under Section 182 of the Licensing Act relates to reviews, this Guidance dictates that licence holders who had not responded to warnings issued by responsible authorities and failed to improve will be subject of the review process. He stated that South Wales Police were of the opinion that other forms of enforcement had been exhausted and review was now the only option. PC Ellis informed the Sub-Committee that the Licensing Act was introduced in November 2005 and there were currently around 550 licensed premises located within the County Borough. PC Ellis stated that to understand the overall picture of enforcement since this period specifically in relation to reviews South Wales Police has had to review the authorisations of 14 premises in order to promote the licensing objectives, which equated to fewer than two reviews each year. He stated that taking into consideration the Home Office guidelines that, "Licensing authorities should look to the police as the main source of advice on crime and disorder" it was strongly recommended to previous meetings of the Licensing Sub-Committee that 10 of those authorisations should be revoked. The police did not propose that authorisations be forfeited unless it was felt absolutely necessary to promote the licensing objectives. He stated that what was alarming is that 43% of reviews concern premises which are located in the "Saturation Area" subject of the local authority's "Statement of Licensing Policy". He informed the Sub-Committee that this review again relates to a premises situated within the "hot spot" area.

PC Ellis informed the Sub-Committee that on 22 October 2013 South Wales Police made an application to revoke the licence of the Golden Bowl. At the time of the application Siu Liu was the holder of the Premises Licence which was issued in 2005. He informed the Sub-Committee that a hearing was listed for 16 December 2013 however; on the day of the hearing South Wales Police received an application to transfer the licence to P 7168 Limited. He stated that what was of significance is that not one of the previous premises reviewed had made an application to transfer the licence after the review application had been served. Representing the new company at that hearing was David Fisher, who introduced himself as the company secretary, and Wendy Wang who was acting as legal advisor and interpreter for Siu Liu.

PC Ellis informed the Sub-Committee on 30 October 2013 the licence of the Golden Bowl was reported as being lost, the reporting person was David Fisher who gave his address as 80 Nolton Street. PC Ellis stated that David Fisher therefore had an association with the takeaway which went back to October 2013 at least and the fact that he had reported the loss of an important document would suggest that he has some influence at the premises. PC Ellis informed the Sub-Committee that on the day of the hearing, and despite the serious offences committed by Siu Liu, David Fisher informed South Wales Police that it was his company's intention to continue to employ her at the takeaway. This was not acceptable to South Wales Police. Siu Liu was asked about her relationship with Guoying Liu and said that he was her ex-husband and father of her children. Guoying Liu was working at the Golden Bowl when the UK Border Agency conducted an enforcement visit in January 2013 and arrested illegal migrants. Siu Liu was also asked if he was concerned with any takeaways and said, "No". However; she would have been fully aware that Guoying Liu was the licensee of the Noble House Chinese Takeaway. Assurances were subsequently given by David Fisher that: -

- (A) No illegal immigrants would be employed at the takeaway
- (B) Siu Liu would no longer be employed at or have anything to do with the business
- (C) The authorised hours would be adhered to
- (D) Signage displaying the illegal opening hours would be removed.

PC Ellis stated that despite his company proposing to be the holder of the licence David Fisher thought that the premises was permitted to open until 02.00am and that the review related to fighting and disorder at the takeaway. He clearly not only had scant knowledge of the basics of the licence, which was appended to the review, but had not bothered reading the application which highlighted in some detail the immigration problems at the takeaway, which was at variance given that his company now wished to hold the licence. PC Ellis stated that the assurances given to South Wales Police at the review hearing including the new company having no association with the old resulted in the review application being withdrawn. It was thought that these assurances were genuine which had proved not to be the case as David Fisher has reneged on those assurances. Furthermore every licence within the County Borough specifies either a named company or a named person or persons as licence holder, not one authorisation referred to a reference such as P 7168 Limited. It was the belief of South Wales Police that the transfer was made to circumvent the review process which had since proved to be the case.

PC Ellis informed the Sub-Committee that Wendy Wang had also attempted to get 2 previous hearings postponed, in that on 16 November 2013 she e-mailed the Licensing Authority stating David Fisher was on leave from 18 November 2013 to 4 February 2014 and could not attend the hearing on 23 January 2014 concerning the transfer of the licence. David Fisher then turned up, albeit late, and also requested the hearing be postponed as he wanted legal representation. This was despite the fact that there was a requirement on the attendance form LAR 1 which specifically asked attendees if they will be legally represented. On 7 February 2014 Wendy Wang again contacted the Licensing Authority informing them that the hearing for the review application for the Noble House could not go ahead that day as the new licence holder, Rui Ya Wang was ill, this was incorrect as she also turned up.

PC Ellis informed the Sub-Committee there is only one licensable activity authorised by the licence and that is the provision of late night refreshment. A licence is only required if it is intended to provide hot food and drink between 23.00hrs and 05.00hrs, which was important when the Sub-Committee makes its deliberations. He stated that the grounds for review are based on promoting 2 licensing objectives and the offending associated with the premises demonstrates that there had been a failure to promote those objectives and an unwillingness to remedy the situation.

PC Ellis informed the Sub-Committee that criminality associated with the Golden Bowl impacts on the crime prevention and public safety objectives relate to 4 offences: -

- 1) Entering the UK without leave contrary to Section 24(1)(a) of the Immigration Act 1971.
- 2) Employing an adult subject to control who had not been granted leave to enter / remain in the UK contrary to Section 21 of the Immigration, Asylum and Nationality Act 2006.
- 3) Carrying on a licensable activity otherwise than under and in accordance with the Premises Licence and the conditions which form part of it.
- 4) Offences under the Fraud Act

PC Ellis stated that additionally management is clearly aiding the offence of illegally entering the UK by offering regular employment opportunities to migrants contrary to Section 8 of the Accessories & Abettors Act 1861. He stated that the natural meaning of "to aid" is to "give help, support or assistance to" and the penalties for committing these offences have been outlined in the review. A Section 136 offence is the most serious under the Licensing Act and is reflected in the penalty which is: -

- 1) A fine of up to £20,000 and/or a term of imprisonment on summary conviction not exceeding 6 months and
- 2) The Premises Licence may be reviewed.

PC Ellis stated that the penalties for committing each offence are therefore severe and the UK Border Agency is generally responsible for policing matters relating to immigration.

PC Ellis informed the Sub-Committee that Sub-section 11.5 of the review guidance supports a number of key aims and purposes which include protecting the public from crime caused by irresponsible licensed premises.

PC Ellis directed the Sub-Committee to the heart of the representations and to focus on the immigration offences then the mind-set towards immigration offences replicates that of Premises Licence Holders attitude toward the Licensing Act. To prevent the employment of illegal migrants there are a number of web site pages freely available some of which are detailed in the supporting documentation. There is also a help line manned by UK Border Agency staff. There is therefore assistance available to employers and as such there is no reason for any employer to employ migrants who are not permitted to work. He stated that it was quite clear that there had been a deliberate and sustained attempt to deceive the authorities by persistently employing illegal migrants.

PC Ellis informed the Sub-Committee that the 10 Chinese nationals found to be working at the Golden Bowl who had entered the UK illegally and were not permitted to work was broken down as follows, in that on 22 March 2012, a warrant was executed and 2 migrants were encountered one of whom was arrested. On 20 April 2012 a penalty of £10,000 was served on a company called C Eagle Limited (£5,000 x 2). The UK Border Agency informed South Wales Police on 22 January 2014 that nothing has been paid and the case had been passed to a debt recovery solicitor for further action.

The Operational Police Lawyer questioned whether C Eagle Limited was another of those Companies whose address is Winston Churchill House. PC Ellis confirmed that this was the case, this was incorporated on 4 July 2011, Zhenlei Tian is the sole company director and was appointed on 29 March 2012 and is listed as a Chinese national residing in China. There is no company secretary currently listed.

The Operational Police Lawyer questioned the relevance of C Eagle Limited to the Golden Bowl. PC Ellis informed the Sub-Committee that C Eagle Limited is another one of those companies whose address is Winston Churchill House.

PC Ellis informed the Sub-Committee that on 25 January 2013 a warrant was again executed and 3 illegal migrant workers were found to be working, 2 were arrested and escorted to a detention centre for deportation. On 28 March 2013 a penalty of £15,000 was served on a company called N Ocean Limited (£5,000 x 3). Simon Yuen Choi Poon was appointed as company secretary on 6 March 2012 but resigned the same day. He stated that the UK Border Agency informed South Wales Police on 22 January 2014 that again absolutely nothing had been paid and the case had been passed to a debt recovery solicitor for further action.

The Operational Police Lawyer questioned the relevance of N Ocean Limited to the Golden Bowl. PC Ellis informed the Sub-Committee that N Ocean Limited is another of those companies within the structure of ITCA (GB) Limited and is also located at Winston Churchill House and incorporated on 6 March 2012. Lianmei Chen is the sole company director and was appointed on 6 March 2012 and is listed as a Chinese national residing in China. There is no company secretary listed. Simon Yuen Choi

Poon was appointed as company secretary on 6 March 2012 but resigned the same day.

PC Ellis informed the Sub-Committee that a third warrant was executed and another migrant was arrested on 13 May 2013. South Wales Police only became aware of the first two incidents after the third warrant was executed and subsequently dealt with these matters by way of a warning letter. This course of action was undertaken to try and deter management from employing any further illegal workers. Neither the severe financial penalty nor the warning letter had any effect as on 23 August 2013 UK Border Agency Officers executed a fourth arrest warrant and found 10 staff members working, 7 of those encountered were Chinese nationals 2 of which held British passports, 4 had illegally entered the UK of which 2 had applied to the Home Office for asylum but their applications had not been determined and 2 were arrested, 1 was Guoying Liu himself who gave his address as 5 Maes Trawscoed, Broadlands, Bridgend, 2 others were British subjects. All the Chinese nationals were found to be working in the kitchen however; several denied being employed at the Golden Bowl. What was of serious concern is that at the time of the visit none of the 10 employees, including the British citizens, would divulge the name of their employer which has also been the case at the Noble House. PC Ellis stated that this in itself was not only sinister but was contrary to Sub-section 11.11 of the guidelines which emphasises a partnership approach between licence holders and responsible authorities. He stated that these facts would suggest 3 things: -

- 1) Illegal migrant workers have been employed with the full knowledge of the management.
- 2) There is a conspiracy between employer and employee as they have clearly been instructed not to disclose who had employed them in order to avoid detection by the authorities.
- 3) Furthermore the number of illegal migrant workers found at the takeaway implies that there is a need for several persons to be employed.

However these employment opportunities have been denied to persons who are entitled to work. Instead there is potential to exploit often vulnerable staff members in relation to their working hours and conditions and in the current climate of austerity there is also potential to defraud the UK of tax.

PC Ellis informed the Sub-Committee that as none of the employees would inform the UK Border Agency who was responsible for the premises the Home Office issued a Notice of a Potential Fine on Lmay Choi under the business name of A Best Limited. The fine was served on 23 October 2013 for an amount of £15,000. On 22 January 2014 the UK Border Agency informed South Wales Police that not a penny had been paid and the case had been passed to a debt recovery solicitor.

The Operational Police Lawyer questioned whether the fines incurred by the companies had been paid and whether they had all gone into liquidation and based at Winston Churchill House. PC Ellis informed the Sub-Committee that all the companies referred to are based at Winston Churchill House and no fines had been paid. He could not confirm whether all the companies had gone into liquidation.

PC Ellis informed the Sub-Committee that A Best Limited was yet another of those companies within the structure of ITCA (GB) Limited and also located at Winston Churchill House in Birmingham, and was newly incorporated on 7 February 2013. He stated that David Fisher was appointed company director of A Best Limited on 7 February 2013 but resigned on 19 August 2013. Simon Yuen Choi Poon was appointed company director of A Best Limited on 7 February 2013 but resigned the same day. The current company secretary was also appointed on 7 February 2013



detailed as ITCA (GB) Limited, the holding company. Ding Wang is the only company director and was appointed on 19 August 2013 and is listed as a Chinese national residing in China.

PC Ellis informed the Sub-Committee that it had emerged during the course of these investigations that Guoying Liu had given his address on the licence of the Noble House as the Golden Bowl which again differs from the address given on the licence of the Dragon House situated in Caerau, Maesteg where he is also licensee. These two addresses differ again from the address Guoying Liu had given when he had reported incidents and when he was recently arrested. Providing multiple addresses would strongly emphasise attempts to deceive the authorities. He stated that the changes of address had never been disclosed to the Licensing Authority which is contrary to Section 33 of the Act, the penalty for which is Level 2 on the scale, carrying a maximum fine of £500.

PC Ellis informed the Sub-Committee that the application to transfer the licence related to P 7168 Limited, a company which now holds the licence of the Golden Bowl yet substantial fines amounting to £40,000 have been served on A Best Limited, A Pool Limited, N Ocean Limited and C Eagle Limited. All 4 companies are located at Winston Churchill House whilst 3 are under the umbrella of the holding company ITCA (GB) LTD. He stated that David Fisher is a former director of ITCA (GB) Limited as well as being a former director of A Best limited and secretary of P 7168 Limited. Not a penny of the fines had been paid.

PC Ellis informed the Sub-Committee that that was the second review application submitted since December 2013 and as a consequence of receiving a review it was common practice for respondents to propose that additional conditions are appended to the licence to promote the licensing objectives in an attempt to prevent the Sub-Committee from placing their own conditions on the authorisation which may be onerous. He stated that this was particularly the case for applications to revoke licences and ordinarily would ask that the Sub-Committee consider the additional conditions. In this case there were none proposed but no documentation offering any sort of mitigation had been served.

He informed the Sub-Committee that the bundle before it relates solely to documentation served by South Wales Police as well as the Legal Officer's report and not a single document has been served by P 7168 Limited in response to the review. He stated that save for an application to transfer the licence to P 7168 Limited there had been no response whatsoever to the review application, which was extremely rare.

PC Ellis informed the Sub-Committee that conditions would not be volunteered which would cost money as the offences committed to date relate to saving money by exploiting illegal immigrants. He stated that even if conditions were to be volunteered there had clearly been an unwillingness to adhere to the most basic of current conditions of closing on time. Every opportunity had been afforded to address offending yet despite enforcement there has been a persistent failure to promote the objectives. He stated that it would be highly unlikely that any further conditions would be complied with and if the application was successful South Wales Police believe that the premises would have to be regularly visited to ensure compliance with the Sub-Committee's decision.

PC Ellis concluded that in 2013 three warrants were executed at the Noble House and 10 migrants were found working, 2 penalty notices for fines totalling £32,500 had been issued to one company, A Pool Limited. Between March 2012 and November 2013 four warrants were executed and 10 migrant workers were found working at the Golden Bowl. Three penalty notices for fines totalling £40,000 have been issued to 3 companies, A Best Limited, N Ocean Limited and C Eagle Limited, 3 of these 4 companies are under the umbrella of ITCA (GB) Limited. He stated that they were in

essence all ghost companies with a post box address; they have no typical company structure and are unaccountable. PC Ellis stated that in total 7 warrants have been executed at the 2 takeaways and 20 Chinese migrants found working who had illegally entered the UK, 16 had been arrested. The 5 penalty notices amount to fines totalling £72,500 but the Home Office had never received a penny.

PC Ellis stated that the most serious of licensing offences had also been committed at the Golden Bowl as well as offences of fraud committed by a delivery driver whilst another employee is concerned with the supply of drugs. He stated that this not only presents as a serious failure to promote the objectives but the immigration offences alone are those which the guidelines dictate should trigger a review and requested the Sub-Committee consider revocation.

363 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 contain exempt information as defined in Paragraphs 12, 13, 14 & 18 of Part 4 and/or of Part 4, and 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 these 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.

Minute  
No.

Summary of Item:

364

Licensing Act 2003 - Review of Premises Licence – Golden Bowl Chinese Takeaway, 80 Nolton Street, Bridgend - Appendix C only

365 LICENSING ACT 2003: SECTION 51 APPLICATION FOR REVIEW OF PREMISES LICENCE GOLDEN BOWL CHINESE TAKEAWAY, 80 NOLTON STREET, BRIDGEND

Mr Fisher informed the Sub-Committee of the intention to surrender the premises licence. He stated that they had lost control of the premises and that was unacceptable. He informed the Sub-Committee that ITCA (GB) Limited incorporate the other companies within its structure as the takeaway businesses are cash trade businesses.

Ms Wang informed the Sub-Committee that ITCA (GB) Limited set up ready-made companies for Chinese takeaways. Mr Fisher informed the Sub-Committee that the companies involved were not umbrella companies.

He also informed the Sub-Committee that he knew nothing of the Dragon House takeaway. The Operational Police Lawyer stated that Guoying Liu holds another premises licence that of the Dragon House.

Mr Fisher informed the Sub-Committee that it was the intention of P 7168 Limited to leave the Golden Bowl. Ms Wang informed the Sub-Committee that she had asked Rui Ya Wang to attend the hearing for the Noble House takeaway as Mr Fisher was on holiday and she was unwell. She stated that they had tried to co-operate with the police and local authority and that the business at the Golden Bowl was falling apart. Mr Fisher informed the Sub-Committee they were not looking for problems emanating from the business to escalate.

The Chairperson invited both parties to make closing statements.

Mr Fisher stated that he wished to apologise to all parties and that P 7168 Limited would surrender the premises licence.

The Operational Police Lawyer informed the Sub-Committee that South Wales Police was seeking the revocation of the premises licence of the Golden Bowl and that it would have to close at 2300 hours. Despite warning letters having been sent and the non-payment of fines there had been a flagrant disregard by the Premises Licence Holders to the proper governance of the premises and these hearings. She stated that the Premises Licence Holders had been given the benefit of the doubt but had continued to trade after midnight in contravention of the late night refreshment licence. The Premises Licence Holders had no regard to the Council or South Wales Police and therefore, revocation of the late night refreshment licence was sought.

PC Ellis informed the Sub-Committee that Section 11.16 of Home Office guidance refers in particular to the powers of a committee on the determination of a review. It states that, "The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives". He stated that Sub-section 11.18 details that, "Where responsible authorities have already issued warnings requiring improvement that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate". Notices of potential penalties, subsequent fines and warnings have been issued by 2 authorities yet each area of enforcement had been treated with contempt.

He stated that the options available to the Sub-Committee were clearly laid out in the guidance at Sub-section 11.19. Any decision made by the Sub-Committee must be taken following consideration of the representations received with a view to promoting the four licensing objectives.

1) Take no action - This was not a course of action South Wales Police expect the Sub-Committee to take as it will not promote the objectives.

- 2) Modify conditions - There seemed little point in amending or adding conditions as the most basic of restrictions of closing on time had not been adhered to.
- 3) Exclude a licensable activity - The authorisation permits the provision of late night refreshment only and if the Sub-Committee exclude that it will effectively revoke the licence, albeit that is what South Wales Police was advocating very strongly.
- 4) Suspend the Premises Licence for a period not exceeding three months – if it was determined to suspend the authorisation then this course of action would promote the objectives but would be a short term fix only and the licence holder will quickly revert to type.
- 5) Ultimately revoke the licence - South Wales Police have grave concerns over the management of the premises and feel that this will not change due to the antecedent history and the recent pattern of crimes committed in relation to the Licensing Act, the Immigration Act as well as the Fraud Act.

PC Ellis stated that what should be of serious concern to the Sub-Committee is the attitude displayed to the authorities in relation to offending as enforcement had been completely ignored. The first visit by the UK Border Agency in March 2012 should have served as a warning of the authorities' interest in unlawful activities. However this was no deterrent as a second visit in January 2013 evidenced further offending which resulted in a large fine being issued for again employing illegal migrant workers. During a third visit in May 2013 another illegal migrant was found working at the takeaway. A letter was then served in July 2013 warning that if any further immigration offences were committed South Wales Police intended making application to revoke the licence. This had no effect whatsoever. Clearly enforcement by the UK Border Agency in January 2013 post-dates their first visit to the Golden Bowl in March 2012.

PC Ellis informed the Sub-Committee that a warning was issued by South Wales Police in July 2013. Despite that warning, the previous arrest of employees and a substantial fine, illegal migrant workers were again employed in August 2013 causing the UK Border Agency to issue another fine which was £30,000 double that of the first penalty imposed.

PC Ellis also informed the Sub-Committee that the takeaway was subsequently found to be open outside its restricted hours in November 2013 and again in January 2014. Offending in August 2013 and the potential fines imposed pre-date the serious licensing offence committed after that date. He stated that this was a clear indication that any enforcement would be ignored and presented as an abject failure to promote the objectives at a premises situated in the "hot spot" area.

PC Ellis referred to Sub-section 11.28 of the guidance which is very clear in that if not only instructs responsible authorities to use reviews effectively to prevent the offences referred to from being committed..... but when reviews arise it expects Licensing Sub-Committees to seriously consider revoking the licence if the crime prevention objective is being undermined. He stated that what was very significant is that it suggests that this should be the course of action, "even in the first instance" and this is an area of the guidance which offers committees little room for manoeuvre.

PC Ellis informed the Sub-Committee that entering the United Kingdom without leave and employing an adult who had not been granted leave to enter/remain in the UK are offences which impact on the crime prevention and public safety objective and South Wales Police suggest that, given the guidelines, these offences alone should warrant revocation of the licence. However; the crime prevention objective is further compromised by the seriousness of the offences committed under the Licensing and Fraud Acts. Previous enforcement by 2 authorities has been wholly ineffective and

South Wales Police are of the opinion that offending had not been committed as a consequence of ignorance or error but is a deliberate and determined effort to deceive the authorities. He believed that the situation would not change and the enforcement carried out to date merits that serious consideration must be given to revoking the premises licence.

PC Ellis stated that he had highlighted at the commencement of these representations that authorisation is only required if it is intended to provide hot food and drink between 11.00pm and 05.00am and if the Sub-Committee determines revoking the licence will promote the licensing objectives then the decision will mean that the respondent will not be able to sell hot food between 11.00pm and midnight and that only one hour of licensable activity will have been forfeited. He stated that the takeaway may still operate from 5.00am to 11.00pm daily.

The Operational Police Lawyer informed the Sub-Committee that the application made by Chief Superintendent Ruddy on behalf of the Chief Constable of South Wales Police.

The Sub-Committee adjourned at 11.48am and reconvened at 12.12pm.

RESOLVED: The Sub-Committee have heard today the representations made by South Wales Police in support of their application to review the premises licence of the Golden Bowl. The Golden Bowl is a Chinese takeaway which holds a late night refreshment licence to operate between 2300 and 0000hours Monday to Sunday. The Sub-Committee have also heard what the representatives of the licence holder have had to say in response to the case presented by the Police.

Firstly the Sub-Committee accept the submission of the Police that the Noble House and Golden Bowl are sufficiently linked that matters pertaining to the Noble House are also relevant to the Golden Bowl. The Sub-Committee have therefore taken all matters relating to both these premises into account.

The Sub-Committee are concerned that the premises have been found to have employed many illegal workers on several separate occasions in 2012 and 2013 and despite hefty fines, do not appear to have learned a lesson or been deterred from doing so. The Sub-Committee has had regard to section 11.27 of the Home Office Guidance which states that knowingly employing illegal workers is a criminal matter which should be taken particularly seriously and considers that this type of offence repeatedly occurring on the premises does undermine the Licensing objective of Preventing Crime and Disorder.

In addition, the Sub-Committee accepts the evidence of the Police that even since P7168 Ltd has been licence holder, there have been incidences of breaches of the Licensing Act by

closing later than the Licence permits. The Sub-Committee have also heard that the premises are actively advertising that they remain open later than permitted by Licence. Adhering to permitted opening hours is fundamental to the prevention of public nuisance and the prevention of crime and disorder.

The Sub-Committee are concerned that the warnings given by South Wales Police and the enforcement action taken by the UK Border Agency have been disregarded. The Sub-Committee has grave concerns over the management of the premises concerned and therefore believe that it is necessary and proportionate to revoke the licence.

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE (A) HELD IN COMMITTEE ROOM 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON TUESDAY, 15 APRIL 2014 AT 10.00AM

Present:

Councillor R Williams - Chairperson

Councillor P James  
Councillor J E Lewis  
Councillor H E Morgan

Officers:

Y Witchell - Licensing and Registration Officer  
J Evans - Legal Officer  
A Rees - Senior Democratic Services Officer - Committees

362 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members for the reasons so stated:-

Councillor B Jones - Work Commitment  
Councillor G Thomas - Attending a Tribunal  
Councillor E Venables - Childcare Issues

363 DECLARATIONS OF INTEREST

None.

364 TOWN POLICE CLAUSES ACT 1847  
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976  
APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Assistant Chief Executive Legal and Regulatory Services submitted a report regarding an application by Peyton Travel Ltd to licence a Renault Traffic vehicle registration number NH57 FVW as a private hire wheelchair accessible vehicle to seat eight persons.

The applicant was present in support of his application and the Sub-Committee adjourned the meeting in order to view the vehicle.

On inspecting the vehicle, the mileage was confirmed as being 73,325 miles.

Upon their return, the Sub-Committee were informed by the Licensing and Registration Officer that the vehicle is pre-owned and first registered at the DVLA on 16 January 2008. The applicant had provided a service history and MOT for the vehicle. The application fell outside the Policy Guidelines for the first licensing of vehicles and which would normally be refused, however a relaxation of the Policy may be considered in exceptional circumstances.

The applicant informed the Sub-Committee that he proposed to use the vehicle for day centre, social services and school contracts and would be available for Private Hire.

RESOLVED: That the Sub-Committee considered the application to grant a licence for a Private Hire Wheelchair accessible vehicle, the said vehicle being a Renault Traffic registration number NH57 FVW, the

application was made by Mr Paul Brain on behalf of Peyton Travel Ltd.

The Sub-Committee noted that the application falls outside the three year period for first registration. On inspection of the vehicle the Sub-Committee considered Section 2.2.5 of the Policy and found the vehicle fit for purpose and granted the application.

365 TOWN POLICE CLAUSES ACT 1847  
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976  
APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

The Assistant Chief Executive Legal and Regulatory Services submitted a report regarding an application by Mr Paul Brain to licence a Ford Transit Tourneo vehicle registration number ND60 NEU as a Hackney Carriage wheelchair accessible vehicle to seat eight persons.

The applicant was present in support of his application and the Sub-Committee adjourned the meeting in order to view the vehicle.

Upon their return, the Sub-Committee were informed by the Licensing and Registration Officer that the vehicle is pre-owned and first registered at the DVLA on 1 February 2011. The applicant had provided a service history for the vehicle and had requested that the vehicle be considered under the Council's Hackney Carriage Vehicle Policy to view the adaptations in place. The Licensing and Registration Officer informed the Sub-Committee that having viewed the vehicle, the applicant had not been able to demonstrate the wheelchair and seating configurations satisfactorily.

RESOLVED: That the Sub-Committee deferred consideration of the application to licence the Hackney Carriage Vehicle and the vehicle be brought back at the earliest possible time for re-inspection by the Sub-Committee.

The meeting closed 10.26am.



# Agenda Item 4

By virtue of paragraph(s) 12, 13, 14, 15, 16, 17, 18, 18a, 18b, 18c of Part 4 of Schedule 12A of the Local Government Act 1972.

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